

FEC-RESTRICTED

it might be brought to the notice of the Committee that, although Japan had been a member of the General Union of the International Union for the Protection of Industrial Property and of the International Copyright Union for nearly fifty years, that country had never adhered to the Restricted Union (under the General Union) regarding the Repression of False Indications of Origin (Madrid Arrangement, 1891, revised at London, 1934). The Committee might care to consider whether, in view of Japanese trade practices in the past, it might not be expedient that Japan should be persuaded to adhere to the Madrid Arrangement, which would place her under an international obligation to bring her merchandise laws into line with those of most other countries and thus probably in some measure prevent her merchants from taking advantage of the complete immunity that they appear to have had in the past, under their own national laws, as regards piracy of the industrial property rights of others. The United Kingdom Member agreed that some provision of this kind might strengthen the paper.

29. The United States Member associated herself with all members who had emphasized the importance of a policy decision on the subject of trade-marks and hoped that the Committee could consider it in the near future. The Chairman, speaking as Australian Member, said that the infringement of trade-marks was a practice in which the Japanese were notorious before the war and the Committee should take any steps in its power to correct such practice.

There was no further discussion. The item was retained on the agenda.

ITEM 7 - JAPANESE ASSETS IN NEUTRAL COUNTRIES (C1-295/2, /3)

30. The United Kingdom Member said that before C1-295/2 was finally considered, he was prepared to move that the last sentence of paragraph 5 be deleted. The paper was designed to start the process of marshalling Japanese assets in the neutral countries. He thought that process would be aided if this provision, which was not essential, were not included at this time. The last sentence of paragraph 5 was based primarily on decisions which the Commission had already made with regard to precious metals of Japanese ownership in Japan. However, the type of assets in this paper was a different thing. These assets represented a much smaller amount, and it would take some time to marshal them. Since the policy provides that these funds shall remain in the neutral countries, their possible use to the Supreme Commander was extremely limited. It was improbable that he could borrow against them. The ultimate use of these funds not only had not yet been decided, but was a controversial question. Therefore, it would seem best to delete the sentence altogether.

31. The Netherlands Member agreed that the sentence had no real use and should be dropped. The Chairman, speaking as Australian Member, said that he thought it was best not to complicate the marshalling of these assets with the controversial issue of their use.

There was no further discussion. The item was retained on the agenda.

FEC-RESTRICTED

ITEM 8 - REPARATIONS CLAIMS AGAINST JAPAN (C1-283/1)

ITEM 9 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES (C1-307)

There was no discussion of these two items. They were retained on the agenda.

ITEM 10 - OTHER BUSINESS

Extension of Policy on Access to Technical Information

32. The Indian Member called the attention of the Committee to the fact that the expiration date of FEC-280/9, Access to Japanese Technical and Scientific Information in Japan, 31 March 1949, was rapidly approaching. His Delegation felt that this had proved to be a useful policy of interest to many Governments. Therefore he proposed that the policy be extended to 31 December 1949. He distributed copies of the proposal to members (subsequently circulated as C1-280/12).

There was no other business.

Meeting adjourned at 5:00 P.M.

Time of next meeting: Monday, 7 March 1949, 3 P.M.

FEC-RESTRICTED190th Mtg.-Com.No.17 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSSUMMARY OF MINUTESITEM 1 - APPROVAL OF MINUTES OF THE 189TH MEETING

Minutes amended and approved, subject to any change which the Philippine Member, who was absent, may wish to make.

ITEM 2 - ACCESS TO JAPANESE TECHNICAL AND SCIENTIFIC INFORMATION IN JAPAN, C1-280/12; FEC-280/9

Approved and forwarded to Steering Committee. (p.1)

ITEM 3 - PRIORITY FOR PATENT APPLICATIONS IN JAPAN, FEC-333

Discussed and retained on agenda. (p.2)

ITEM 4 - RESTITUTION OF SHIPS OUTSIDE JAPAN, FEC-011/54; C1-323 thru /5

No discussion. Retained on agenda. (p. 4)

ITEM 5 - PATENT POLICY FOR NEUTRALS IN JAPAN, FEC-321; C1-321/2, /3

Dropped from agenda for two weeks. (p. 4)

ITEM 6 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332

Referred to Patents Subcommittee. (p. 5)

ITEM 7 - JAPANESE ASSETS IN NEUTRAL COUNTRIES, C1-295/2, /3

U. K. motion to delete last sentence of paragraph 5 approved. Retained on agenda. (p. 5)

ITEM 8 - REPARATIONS CLAIMS AGAINST JAPAN

No discussion. Retained on agenda. (p. 5)

ITEM 9 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

No discussion. Retained on agenda. (p. 5)

ITEM 10 - OTHER BUSINESS.

There was no other business. (p. 5)

Time of next meeting: 14 March 1949 at 3:00 p.m.

Summary of Minutes - Com. No. 1

190th Mtg. - 7 March 1949

FEC-RESTRICTED190th Mtg. - Com. No. 17 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Mr. Y. C. Yang, Dr. A. Koo, Mr. S. Y. Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis
New Zealand	Mr. F. Corner
Philippines	Not Represented
U.S.S.R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mr. M. B. Thresher, Mrs. J. Locke
United States	Mrs. S. G. Kallis
Secretariat	Mr. J. F. Davidson, Secretary Miss. Miriam Nieland, Assistant Secretary

ITEM 1 - APPROVAL OF THE MINUTES OF THE 189TH MEETING

1. The minutes of the 189th meeting were approved with the following changes, and subject to any changes which the Philippine Member, who was absent, may wish to make:

Page 3, paragraph 4, line 3 to read: "Committee, reported to the Commission, etc."

Page 5, paragraph 17. Delete the entire paragraph and substitute the following:

The N. Z. Member thought it worth ascertaining whether the present Swiss case was an isolated one or whether it was one of many. If the latter, the Committee might wish to consider adopting a policy on neutral patents in general. The N. Z. Government was of the opinion that, while some privileges should be reserved for countries at war with Japan, nevertheless neutrals were entitled to have their legitimate interests protected. As a preliminary to considering the need for a policy on neutral patent interests in Japan, he suggested that SCAP might be asked for a report and comments upon the position of neutral patents in Japan.

ITEM 2 - ACCESS TO JAPANESE TECHNICAL AND SCIENTIFIC INFORMATION IN JAPAN, CI-280/12; FEC-280/9

2. In connection with the proposal for extending the policy on Access to Japanese Technical and Scientific Information in Japan, FEC-280/9, which the Indian Member had introduced at the last meeting (circulated as CI-280/12), the Chairman called the attention of the Committee to the minutes of the 107th meeting of the Steering Committee, 1~~X~~ June 1948 (page 1), where the U. S. Member had informed the Steering Committee of the views of the Supreme Commander on the termination date as follows:

FEC-RESTRICTED

The Supreme Commander had pointed out that the Commission might extend the date and had envisaged that the Commission might consider such extension at the time when the date of 31 March 1949 was approaching.

3. The Indian Member suggested that, since there was not much time until the present policy lapsed, perhaps the Committee could take definitive action at the present meeting. The Chairman, speaking as Australian Member, said that he could see no reason for opposition to the extension. The Netherlands Member favored the extension, adding that his Government had been unavoidably delayed in dispatching a technical representative which it had hoped to send, and would, therefore, welcome such an extension. The Chinese Member favored the extension. His Government was very interested in technical information in Japan. The Chinese Technical Mission in Tokyo had just begun its work and since technical matters required some time, he urged the extension of the policy. The Canadian, French and Soviet Members said they favored extending the policy.

The U. S. Member asked if any other Members, besides the Chinese and Netherlands Members, could state a more specific interest or reason for desiring to extend the policy. The Indian Member replied that his Government had both a special and a general interest in proposing extension. It had not yet had time to obtain all the information it desired, and an extension would, therefore, be in the Indian interest. However, his Government believed that an extension of the policy was objectively desirable.

5. The N. Z. Member asked if the proposed extension included the policy covering non-FEC countries as well. The Indian Member replied that he had assumed it would since that policy decision, FEC-315/7, had applied the provisions of the original policy to non-FEC countries. After a brief discussion, it was agreed to include reference to FEC-315/7 in the wording of the proposed extension.

6. A motion by the Indian Member to approve and forward C1-280/12, with the change agreed upon, to the Steering Committee was carried 9 in favor, the U. S. Member abstaining and the Philippine Member absent. This paper will be circulated as SC-280/13.

### ITEM 3 - PRIORITY FOR PATENT APPLICATIONS IN JAPAN, FEC-333

7. The Netherlands Member asked if the U. S. Member had an opinion on the question of the definition of "effective date of loss" raised by the Indian Member at the last meeting (paragraph 9). The U. S. Member replied that the definition of "effective date of loss" contained in FEC-284/14 was used only in connection with paragraph 4. Presumably paragraph 5 had stood alone.

8. The Indian Member believed that a definition was now needed since the paragraph was out of its original context. He asked what the U. S. Member understood "effective date of loss" to mean. The U. S. Member replied that it presumably meant the date of entry into the war with Japan since the other two possible tests in the definition in FEC-284/14, the date of sequestration or the date of lapse, did not apply to paragraph 5.

9. The U. K. Member said that he was not sure "effective date of loss" was the appropriate wording for FEC-333. The loss in question was a loss of priority right. He believed that the original intention of the Subcommittee had been to use "date of entry into the war" in this paragraph. After a brief discussion, it was agreed to substitute "date of entry of the country of the national into the war with Japan" for "effective date of loss".

*should be substituted for*

Minutes - Com. No. 1

190th Mtg. 7 March 1949

*the sense of the Committee that*

FEC-RESTRICTED

10. The Chairman asked if the Soviet Member was able to confirm whether the opinion he had expressed personally at the last meeting that no right of priority should be granted was the position of his delegation. The Soviet Member replied that he had nothing to add to his comments at the last meeting. He believed that the explanation made by the Soviet Representative on the FEC had been sufficiently clear.

11. The Indian Member said he could see no use in ~~keeping~~ <sup>continuing to keep</sup> the item on the agenda ~~nor in moving it forward~~ if the Soviet delegation opposed the paper altogether. The N. Z. Member agreed that there was no reason to keep it on the agenda. Efforts had been made to reach a compromise with the Soviet objections, but the Soviet delegation was still opposed, and there was nothing further the Committee could do to help the matter.

12. The U. S. Member said she had hoped there would be some further explanation of the reason for the Soviet objection to the proposal in its present form, which applied to all countries at war with Japan and contained no reference to international arrangements. The Chairman asked if the Soviet Member expected to be able to give any further explanation of his delegation's views. The Soviet Member replied that it was possible, but he could not say for sure.

13. The Canadian Member said that at the last meeting, the Soviet Member had given his personal opinion that no right of priority should be granted. If this was also the position of the Soviet delegation, it would be helpful for the Committee at least to know that. The Chairman agreed that the Committee was entitled to know the basis of the Soviet objection.

14. The Soviet Member said that, although it was true that FEC-333 contained no direct reference to existing arrangements, nevertheless if it were adopted as a policy decision, nationals of some countries would be given right of priority and find themselves in a privileged position, while nationals of other countries might not enjoy the same privilege and thus find themselves discriminated against. The Chairman asked in what way the Soviet Member believed there would be discrimination. The Soviet Member replied that only some nationals of certain countries would receive this right of priority.

15. The Indian Member said that it was true a distinction was drawn, but only between those countries at war with Japan and those which were not. The U. K. Member pointed out that there was no discrimination among nationals of countries at war with Japan. Any national of a country at war with Japan who had filed a first application in any country whatsoever was eligible to receive the right of priority under this proposal.

16. The N. Z. Member asked if the Soviet Member believed the policy should apply to all countries, including neutrals. The Soviet Member replied he did not. The N. Z. Member asked if the Soviet objection was based on a view that there should be no right of priority for any one. The Soviet Member said that he thought that under this proposal the right of priority would be extended to the nationals of some countries, while the nationals of other countries could not enjoy this right. Therefore he considered such a provision unjustified.

17. The N. Z. Member suggested that the item be retained on the agenda for a week in hopes of official clarification of the Soviet position. If there was no way the impasse could be broken, then his delegation, as stated by the N. Z. Representative on the FEC, believed the only solution was a U. S. interim directive.

18. There was no further discussion. The item was retained on the agenda.

FEC-RESTRICTEDITEM 4 - RESTITUTION OF SHIPS OUTSIDE JAPAN, FEC-011/54; C1-323  
thru /5

19. The Chinese Member said that, although he was still awaiting instructions, he would welcome comments from any of the other Members. The N. Z. Member said that, as he had previously stated, he believed that there was no use in further discussion of this item and that it should be suspended.

20. There was no further discussion. The item was retained on the agenda.

ITEM 5 - PATENT POLICY FOR NEUTRALS IN JAPAN, FEC-321; C1-321/2, /3

21. The U. S. Member said that she was in a position to give more complete information on the Swiss patent case than had been available at the last meeting. The matter was brought to the attention of SCAP by the Swiss Mission in June of 1947 and again in December 1947 with regard to the question of both royalties and license agreements. The Swiss were informed on both occasions that the requested license agreements could not be authorized. The subject of royalties was retained under consideration. In December of 1948 the Swiss Mission again communicated with SCAP, this time only in connection with royalties. The matter of royalties was at present under active consideration, and the Office of the U. S. Political Advisor, who relayed the Swiss request, had recommended favorable action. Japanese manufacturers using the D.D.T. patent have been reserving royalties for the Swiss company. The Swiss Mission in Tokyo had been kept informed of the progress of the discussion.

22. The U. S. Member was of the opinion that no reply by the Committee was needed. The letter of acknowledgment from the Secretary General to the Swiss Legation, (FEC-321/2) stated that the Swiss would be informed if the Commission reached any decision. At the present time there was no decision on which the Committee could inform the Swiss, and it could not add to the information available to the Swiss Mission in Tokyo.

23. The Chairman said there seemed to be two questions involved: First whether the Committee needed to send a letter to the Swiss, and second whether or not it was bound to deal with the general problem of patent licenses of neutrals in Japan. The Indian Member agreed with the view of the U. S. Member that no letter was needed at the present time. He inquired whether the patent policy contained in FEC-284/17, now before the Commission, would be a sufficient basis for SCAP to take action in regard to license agreements. If it was, and the policy passed in the near future, no letter was needed. If not, the Committee should look into the question of formulating a policy.

24. The U. K. Member believed that it was principally lack of a policy on restoration of patent rights which was holding up SCAP action. The question of patent rights would have to be decided first, then the question of license agreements, and after that the question of neutrals.

25. After a brief discussion, it was agreed to postpone sending a letter of reply to the Swiss, to drop the item for two weeks, to see whether the U. S. Member could obtain information from SCAP on the general question of license agreements in Japan. There was no further discussion. The item will be dropped from the agenda for two weeks.

FEC-RESTRICTEDITEM 6 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332

26. The Indian Member noted the point made at the last meeting by the N. Z. Member (paragraph 28) concerning the possibility of bringing Japan in line with the Madrid Agreement on Prevention of False Indications of Origin on Goods. He thought this should be discussed in the Committee, or preferably in Subcommittee, with a view to strengthening the present paper.

27. The U. K. Member said there were two points involved: (1) whether Japan should adhere to the Madrid Agreement, and (2) whether Japanese laws were adequate. The Subcommittee had examined Japanese legislation on marking of goods and had come to the conclusion that the laws were all right, but that the problem was in enforcement. The Indian Member thought that if the provisions of the Agreement were incorporated into the policy decision, it would be more effectively binding.

28. It was agreed to send the paper to the Subcommittee for discussion in the light of the provisions of the Madrid Agreement.

ITEM 7 - JAPANESE ASSETS IN NEUTRAL COUNTRIES, C1-295/2, /3

29. The U. K. Member moved the deletion of the last sentence of paragraph 5 of C1-295/3. The Chinese Member supported the U. K. motion, stating that the assets in the neutral countries were not large and since there was need for quick action in marshalling them, it was better not to complicate this paper with the question of their use. The French and Netherlands Members said they were in favor of the U. K. motion.

30. The U. S. Member said that it was the hope of the U. S. delegation when FEC-295 was submitted over a year ago to solve both the problem of marshalling and liquidation and the problem of disposition of Japanese assets in neutral countries. The Subcommittee draft differed from the original paper in not containing a provision of final disposition since it provided that the initial value of the funds is to be preserved. She had no position on the Subcommittee change but hoped that the question of disposition of the assets would not be abandoned altogether.

31. The U. K. Member suggested that the question of disposition might be discussed in a separate paper. The Chairman, speaking as Australian Member, said that he thought there was a case for separating marshalling and disposition, since marshalling was necessary first and was less controversial.

32. A vote was taken on the U. K. motion which was carried 6 in favor, the Canadian, Indian and U. S. Members abstaining, and the Philippine Member absent. The Soviet Member did not participate in the discussion of this item.

ITEM 8 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1ITEM 9 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

33. There was no discussion of Items 8 and 9. They were retained on the agenda.

ITEM 10 - OTHER BUSINESS

34. There was no other business.

Meeting adjourned at 4:40 p.m.

Time of next meeting: 14 March 1949 at 3:00 p.m.

*Which  
were considered  
suitable*



FEC-RESTRICTED191st Mtg. - Com.No.114 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSSUMMARY OF MINUTESITEM 1 - APPROVAL OF THE MINUTES OF THE 190TH MEETING

Minutes amended and unanimously approved.

ITEM 2 - PRIORITY FOR PATENT APPLICATIONS IN JAPAN, FEC-333

Approved and forwarded to Steering Committee as SC-333/1.(p.1)

ITEM 3 - RESTITUTION OF SHIPS OUTSIDE JAPAN, FEC-011/54; C1-323  
thru /6

Dropped from agenda until such time as any Member wishes to restore for discussion. (p.2)

ITEM 4 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,/1

U. K. Member suggested deletion of "preferably" in paragraph 7. Retained on agenda. (p. 3)

ITEM 5 - JAPANESE ASSETS IN NEUTRAL COUNTRIES, C1-295/2, /3

Chinese amendment to paragraph 5 introduced. French Member suggested changing paragraph 3 to entrust marshalling to U.S. Retained on agenda. (p. 4)

ITEM 6 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

No discussion. Retained on agenda. (p. 4)

ITEM 7 - FROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS  
OF NON-FEC COUNTRIES, C1-307

No discussion. Retained on agenda. (p. 4)

ITEM 8 - OTHER BUSINESS

No other business. (p. 4)

Time of next meeting: 21 March 1949 at 3:00 p.m.

Summary of Minutes - Com. No. 1  
191st Mtg. - 14 March 1949

23 March 1949

FEC-RESTRICTED

CORRIGENDUM TO

MINUTES 191ST COM. 1 MTG.

FAR EASTERN COMMISSION

COMMITTEE NO. 1: REPARATIONS

CORRIGENDUM

Note by the Secretary General

1. Committee No. 1 at its 192nd meeting, 21 March 1949, unanimously approved the minutes of its 191st meeting with the following correction:

Page 2, paragraph 4, third line from end should read:  
"war on Japan on 8 December 1941, but they he believed it  
had entered into".

2. Members are requested to insert the attached revision of page 4 in their file copies of the minutes of the 191st meeting of Committee No. 1.

NELSON T. JOHNSON  
Secretary General

Corrigendum to Mins of the  
191st Mtg. - Com. No. 1

FEC-RESTRICTED191st Mtg. - Com. No. 114 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Mr. Y. C. Yang, Dr. A. Koo, Mr. S. Y. Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis
New Zealand	Mr. F. Corner
Philippines	Mr. F. Lozada
U. S. S. R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mr. M. B. Thresher
United States	Mrs. S. G. Kallis, Mr. M. J. Dux, Mr. J. Greenwald
Secretariat	Mr. J. F. Davidson, Secretary Miss Miriam Nieland, Assistant Secretary

ITEM 1 - APPROVAL OF THE MINUTES OF THE 190TH MEETING

The Minutes of the 190th meeting were unanimously approved with the following changes:

Page 1, paragraph 2, third line from bottom: Change the date 10 June to 1 June.

Page 2, paragraph 9, change the last sentence to read: "After a brief discussion it was agreed-to-substitute the sense of the Committee that "date of entry of the country of ~~that~~ the national concerned into the war with Japan should be substituted for "effective date of loss.""

Page 3, paragraph 11, change first sentence to read: "The Indian Member said he could see no use in keeping continuing to keep the item on the agenda per-in-moving-it-forward if the Soviet delegation opposed the paper altogether."

Page 5, paragraph 27, penultimate line to read: "Agreement which were considered suitable were incorporated, etc."

ITEM 2 - PRIORITY FOR PATENT APPLICATIONS IN JAPAN, FEC-333

1. The Soviet Member said that it was the view of the Soviet delegation that there should be no decision concerning priority of patent rights in Japan since such a provision might give nationals of some countries the right of priority, while nationals of other countries would not enjoy this right and thus find themselves discriminated against. He moved that the item be dropped from the agenda.

FEC-RESTRICTED

2. The N. Z. Member opposed the Soviet motion, saying that FEC-333 was a useful provision which was in line with normal international patent practice. Since it was apparently impossible to modify the paragraph in any way that would remove the Soviet objection, he favored approval of the paper. The French Member agreed with the remarks of the N. Z. Member.
3. A vote was then taken on the Soviet Motion which was lost, one in favor (USSR) to 10 opposed. A motion by the Indian Member to approve and forward the paper to the Steering Committee was carried 10 in favor with one opposed (USSR).
4. The Chinese Member called the attention of the Committee to paragraph 4(1) of FEC-284/17 in which the phrase "existence of hostilities between Japan and the country of that national" was used, and to paragraph 3 of C1-332/1 which referred to "the outbreak of hostilities between Japan and the country of the national concerned." He preferred the use of the phrase "outbreak of hostilities" in FEC-333 also. The Chairman asked in what way the Chinese Member felt that the Committee's wording "date of entry of the country of the national concerned into the war with Japan" was unsatisfactory. The Chinese Member replied that China had declared war on Japan on 8 December 1941, but ~~they~~ <sup>he</sup> had entered into hostilities with Japan on 7 July 1937. This date had been agreed upon in FEC discussions of previous policies.
5. The Canadian Member agreed that the broader definition of the period of hostilities in the case of China had been accepted in previous policies, but doubted if a similar problem of dates arose here. The question involved was a legal one, not a question of actual hostilities. The legal position of Chinese in Japan had remained unchanged until the declaration of war regardless of the state of hostilities. The Indian Member also felt that there was no question of loss of patent priority until war had actually been declared, and therefore the wording of FEC-333 was adequate.
6. The Chinese Member said that the legal rights of Chinese might or might not have been affected previous to the declaration of war. He could see no objection to the wording he had suggested and desired to reserve his position on this point. The Chairman suggested that since the paper had already been approved in its present form, the Chinese Member could move the change in the Steering Committee if he felt that it should be made.
7. The item was forwarded to the Steering Committee as SC-333/1.

ITEM 3 - RESTITUTION OF SHIPS OUTSIDE JAPAN, FEC-011/54; C1-323  
thru /6

8. The Chinese Member said that he had not yet received instructions and would have no objection if the Committee wished to retain this as the last item on the agenda.
9. The N. Z. Member said that he was opposed to keeping inactive items on the agenda, and asked when the Chinese Member anticipated making a formal proposal. He noted that C1-323/5 was only a tentative proposal for discussion. The Chinese Member said that he could not state definitely when he would be able to make a formal proposal, but that he strongly opposed dropping the item. It had been referred to the Committee by the Steering Committee and could not be dropped without any action at all. He would like to hear comments from other Members.

FEC-RESTRICTED

10. The N. Z. Member said that he did not see what else could be discussed to advantage in the Committee. As he had previously stated, any policy along the lines suggested in Cl-323/5 would amount to a provision that would give some countries more in the way of reparations by this method of claim. He preferred to report to the Steering Committee that no policy was necessary but would not press for it. The Chinese Member said he did not object to a report to the Steering Committee provided that it were in written form.

11. The Indian Member suggested that the item be dropped temporarily until the Chinese Member, or any other Member, was prepared to say something in connection with it, at which time it could be requested that the item be restored to the agenda.

12. Without objection from the Committee, the Chairman ruled that the item be removed from the agenda until such time as any Member wished to bring it up for discussion.

ITEM 4 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, Cl-332,/1

13. The U. K. Member, Chairman of the Patents Subcommittee, said that the Subcommittee had met as directed at the last Committee meeting to consider the possibility suggested by the N. Z. Member of incorporating into Cl-332 some of the provisions of the Madrid Agreement on Prevention of False Indications of Origin on Goods. The Subcommittee, with the N.Z. Member attending, had generally agreed that the provisions of the Madrid Agreement were not applicable to this policy. One exception had been found, and the words "or advertised" added in paragraph 7. With this change, the Subcommittee had reported the paper back to the Committee as Cl-332/1.

14. The U. K. Member gave notice of his intention to move the deletion of the word "preferably" in paragraph 7, line 4. This word had originally appeared in the Subcommittee draft as a compromise between those who felt that the marking of export goods should be made mandatory on the Japanese Government and those who felt that it should not. The N.Z. Member said he strongly supported the U. K. proposal. The Chairman, speaking as Australian Member, supported the U. K. proposal.

15. The Indian Member pointed out that such marking could not be done in the case of bulk goods. The U. S. Member asked if the word "preferably" was not intended as a recognition of this difficulty. The Chairman said that it seemed to him the words "where practical" would better cover this point.

16. The Indian Member asked if other countries made marking of their export goods mandatory. The Chairman replied that he did not know, but that presumably the Commission could undertake to enforce such marking on the Japanese regardless of what other countries did.

17. The Canadian Member said that a precedent already existed in international convention for steps against false marking of export merchandise, but not for the positive marking of exports. He believed that such a precedent was desirable, and suggested that the U.K. Member include in his amendment the words, "Steps should also be taken to insure that goods of Japanese manufacture, etc." at the beginning of the second sentence of paragraph 7 to make the requirement more definite. The U. K. Member agreed to this wording.

18. The U. S. Member thought that the Committee should consider carefully before dropping the word "preferably". Many problems were involved in this small point. There was the question of bulk goods raised by the Indian Member, and other borderline cases.

FEC-RESTRICTED

19. The Canadian Member suggested that the words "wherever practicable" could be substituted for "preferably" to cover such cases. The U. K. Member agreed that this could be done. However, he did not think that the question was one of practicability but rather whether the Committee wished in principle to impose this obligation on the Japanese. It was the U. K. view that the Japanese should be required to mark their export goods.

20. There was no further discussion. The item was retained on the agenda.

ITEM 5 - JAPANESE ASSETS IN NEUTRAL COUNTRIES, C1-295/2, /3

21. The U. K. Member moved that C1-295/4 be approved and forwarded to the Steering Committee. This paper, or proposals in substantially the same form, had been before the Committee for over a year. There was a necessity for some speed or there would be no assets left to marshall in the neutral countries.

22. The Chinese Member said that his delegation agreed with the general principle of the paper. However, he wished to move that the words "established in accordance with the terms of reference of the Far Eastern Commission" be added after the word "decisions" in paragraph 5, line 1.

23. The French Member suggested that it would be simpler to entrust the task of marshalling Japanese assets in the neutral countries to the U. S. Government rather than making it the responsibility of the four powers mentioned in paragraph 3. The N. Z. Member agreed that the suggestion of the French Member seemed to be a simpler way.

24. The Chairman recalled that it had originally been the U. S. delegation that suggested reference to the four powers. The U.S. Member said she would have to consult her Government on the French suggestion.

25. The U. K. Member pointed out that arrangements similar to the Four Power consultation proposed in paragraph 3 had been made in regard to Japanese diplomatic and consular property and archives. His Government accepted the present form of paragraph 3.

26. In view of the desire of some Members to consider the Chinese amendment further, the U. K. Member withdrew his motion to forward the paper to the Steering Committee. There was no further discussion. The item was retained on the agenda.

ITEM 6 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

ITEM 7 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

27. There was no discussion of items 6 and 7. They were retained on the agenda.

ITEM 8 - OTHER BUSINESS

There was no other business.

Meeting adjourned at 4:30 p.m.

Time of next meeting: 21 March 1949 at 3:00 p.m.

FEC-RESTRICTED

19. The Canadian Member suggested that the words "wherever practicable" could be substituted for "preferably" to cover such cases. The U.K. Member agreed that this could be done. However, he did not think that the question was one of practicability but rather whether the Committee wished in principle to impose this obligation on the Japanese.

20. There was no further discussion. The item was retained on the agenda.

ITEM 5 - JAPANESE ASSETS IN NEUTRAL COUNTRIES, C1-295/2, /3

21. The U.K. Member moved that C1-295/4 be approved and forwarded to the Steering Committee. He pointed out that proposals in substantially the same form had been before the Committee for over a year.

22. The Chinese Member said that his delegation agreed with the general principle of the paper. However, he wished to move that the words "established by the Far Eastern Commission" or "established in accordance with the terms of reference of the Far Eastern Commission" be added after the word "decisions" in paragraph 5, line 1.

23. The French Member suggested that it would be simpler to entrust the task of marshalling Japanese assets in the neutral countries to the U.S. Government rather than making it the responsibility of the four powers mentioned in paragraph 3. The N.Z. Member agreed that the suggestion of the French Member seemed to be a simpler way.

24. The Chairman recalled that it had originally been the U.S. delegation that suggested reference to the four powers. The U.S. Member said she would have to consult her Government on the French suggestion.

25. The U.K. Member pointed out that arrangements similar to the Four Power consultation proposed in paragraph 3 had been made in regard to Japanese diplomatic and consular property and archives.

26. In view of the importance of the suggestion made by the French Member, which seemed to call for further consideration, the U.K. Member asked for leave to withdraw his motion. There was no objection to withdrawal of the motion. There was no further discussion. The item was retained on the agenda.

ITEM 6 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

ITEM 7 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

27. There was no discussion of items 6 and 7. They were retained on the agenda.

ITEM 8 - OTHER BUSINESS

There was no other business.

Meeting adjourned at 4:30 p.m.

Time of next meeting: 21 March 1949 at 3:00 p.m.

FEC-RESTRICTED192nd Mtg. - Com. No. 121 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSSUMMARY OF MINUTESITEM 1 - APPROVAL OF THE MINUTES OF THE 191ST MEETING

Minutes unanimously approved. Corrections issued in a corrigendum. (p. 1)

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,/1

U. K. amendment to paragraph 7 adopted. Paragraph 3 amended to conform with wording of FEC-333/2. Retained on agenda. (p.2)

ITEM 3 - JAPANESE ASSETS IN NEUTRAL COUNTRIES, C1-295/2, /3, /4,/5

Chinese amendment to paragraph 5 adopted. Paper approved and forwarded to Steering Committee as SC-295/6. (p.4)

ITEM 4 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

Netherlands and Philippine Members still awaiting instructions. Retained on agenda. (p. 5)

ITEM 5 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

No discussion. Retained on agenda. (p. 5)

ITEM 6 - OTHER BUSINESS

No other business. (p. 5)

Time of next meeting: 28 March 1949 at 3:00 p.m.

Summary of Minutes - Com. No. 1  
192nd Mtg. - 21 March 1949



FEC-RESTRICTED192nd Mtg. - Com. No.121 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Mr. Y. C. Yang, Dr. A. Koo, Mr. S.Y.Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis
New Zealand	Mr. F. Corner
Philippines	Mr. F. Lozada
U. S. S. R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mr. M. B. Thresher
United States	Mrs. S. G. Kallis, Mr. M. J. Dux
Secretariat	Mr. J. F. Davidson, Secretary Miss Miriam Nieland, Assistant Secretary

ITEM 1 - APPROVAL OF THE MINUTES OF THE 191ST MEETING

The minutes of the 191st meeting were unanimously approved with several changes which shall be issued in a corrigendum to the minutes.

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,/1

1. The Netherlands Member asked if the deletion of "preferably" in paragraph 7 of C1-332/1 had been moved by the U. K. Member. The U. K. Member replied that at the last meeting he had given notice of his intention to move this amendment. There had been some discussion during which the Canadian Member had suggested the addition of certain words at the beginning of the same sentence which were acceptable to the U. K. Member. He therefore moved that the second sentence of paragraph 7 be amended to read as follows: "Steps should also be taken to assure that goods of Japanese manufacture exported from Japan are clearly marked 'Made in Japan'." *with the addition proposed by the Canadian member.*

2. The French Member supported the U. K. amendment. The Philippine Member suggested adding the words "if practicable".

3. The Netherlands Member said that his delegation did not like the strong wording of the U. K. amendment for three reasons. First, goods now produced in Japan were being marked "Made in Occupied Japan". The proposed amendment would make it necessary for SCAP to change this. Secondly, legislation resulting from this amendment would have the effect of raising the cost of goods in Japan. Experience had shown that such marking of goods makes them generally more expensive. The people of the Far East could not yet pay for items with this added expense. It was more important that they be protected against high costs than against defective goods. Finally, the Netherlands Government did not require its exporters to mark their goods, and therefore did not feel it could support a provision forcing Japan to do what it did not do. The present form of paragraph 7 was acceptable to the Netherlands delegation. It might also be able to accept the

FEC-RESTRICTED

deletion of "preferably", but not a wording as strong as that proposed.

4. The N. Z. Member pointed out that it was quite possible to force an ex-enemy country to adhere to certain practices regardless of whether or not all other countries did so. For example, the peace treaties concluded in Europe since the war contain provisions with regard to human rights which are not all specifically embodied in the laws of Allied countries. This was done because a need was seen for such provisions. There was a similar need in this case. Japan had a bad record in marking of goods before the war. His Government believed this was a good occasion to force her into better practice. The Philippine Member agreed with the remarks of the N.Z. Member. The Philippines had had much experience with deceptively marked Japanese goods, particularly leather goods which came in unmarked and were falsely marked before distribution.

5. The U. S. Member said it was necessary to keep a clear distinction as to what the Committee was trying to accomplish. She believed that the first sentence indicated all that was intended to be accomplished, and was not sure that anything additional was accomplished by adding the second sentence.

6. The Chairman, speaking as Australian Member, agreed with the N. Z. Member that the Committee should not be reluctant to impose on Japan measures not required by law in FEC countries since Japan had a bad record that other countries did not have. While he was not acquainted with the economics of production of Japanese goods, he would be surprised if correct labelling greatly raised the cost. The Netherlands Member said that experience had shown this to be true. The Canadian Member said he thought the requirements of paragraph 8 would be likely to add more expense than paragraph 7.

7. In view of the discussion, the U. K. Member reworded his amendment as follows: "Steps should also be taken to assure that wherever it is practicable to do so, goods produced in Japan which are exported are clearly marked to show their Japanese origin".

8. The Netherlands Member asked if yarn imported into Japan and then dyed, or other imported goods on which the Japanese work was slight, would be considered of Japanese origin. The Indian Member agreed that the intention must be clear in borderline cases. In the case of steel manufacture the intent of the paragraph would be clear, but in the example given by the Netherlands Member and in other cases, such as bottling in Japan of imported medicine, the intention was not so clear. It would be difficult to legislate without a clear knowledge of what was intended. The Chairman said that it was always difficult to legislate for borderline cases. He did not think that the examples given would come under the phrase "produced in Japan".

9. The Netherlands Member said that since an importer will always ask for a certificate of origin for the goods he imports, it should be kept in mind that the marking of articles was only to protect the ultimate purchaser. The first sentence of paragraph 7 was adequate to protect importers. He agreed with the U. S. Member that the first sentence was all that was needed.

10. The Indian Member said that <sup>as</sup> if the first sentence <sup>was</sup> were made mandatory, he did not see the use of <sup>making</sup> the second sentence <sup>at all as well</sup> unless it was the intent of the paper to legislate for the domestic market of Japan. He did not believe that this was the intent of the paper. The Canadian Member pointed out that paragraph 4 refers to "trade-marks which are well known in Japan". The Indian Member replied that that provision was included for the purpose of protecting foreign trade-marks.

FEC-RESTRICTED

11. The Philippine Member asked if the present wording of the amendment would cover goods produced for domestic use and later exported. He thought that the marking should be done at the time of manufacture. In the case of porcelain ware, for instance, if only export stickers were required, these could be changed after importation. The N. Z. Member said that would be an internal case to be dealt with by the legislation of each country. The Chairman added that almost any provision could be evaded in some manner, and it would be difficult to require indelible marking in every case.

12. After a brief discussion, it was agreed to vote on the U. K. amendment in the following form:

"Steps should also be taken to assure that wherever it is practicable to do so, goods which are produced in Japan and exported are clearly marked to show their Japanese origin."

The amendment was approved 7 in favor, the Netherlands Member opposed, with the Indian, Soviet and U. S. Members abstaining.

13. The Netherlands Member said that he was prepared to vote on the paper as a whole. The Canadian, French, N. Z., Philippine and Soviet Members said that they were still waiting for instructions. The Chairman, speaking as Australian Member, said that he was waiting for instructions but anticipated no objection.

14. The U. K. Member called the attention of the Committee to a question still outstanding on paragraph 3. It had been the intention of the Subcommittee that this paragraph should conform to the latest version of paragraph 5 of FEC-284/17, Policy Toward Patents, Utility Models and Designs in Japan. That paragraph had since become FEC-333/2, Priority For Patent Applications in Japan, and had been somewhat changed. The Chinese Member agreed that this had been the intention of the Subcommittee and that paragraph 3 should be accordingly changed.

15. The Chairman moved that paragraph 3 be amended to read as follows:

A national of a country at war with Japan who had duly filed in any country the first application for a trade-mark not earlier than six months before the outbreak-of-hostilities ~~between-Japan-and-the-country-of-the-national-concerned~~ effective date of loss of the right to file trade-mark applications in Japan, should be entitled, within twelve months after the date, as determined by the Supreme Commander, on which such nationals are again permitted to apply for trade-marks in Japan and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a such right of priority based upon the previous first filing of the application. ~~as-he-would-have-been entitled-to-under-arrangements-existing-with-Japan-immediately-prior-to-the-outbreak-of-hostilities.~~

The amendment was approved 9 in favor, with the Philippine and Soviet Members abstaining.

16. The Soviet Member said that he had no instructions on the paper as a whole, and therefore had abstained from the vote. However, since the Soviet delegation was opposed to FEC-333/2, he personally objected to paragraph 3 of Cl-332/1.

17. There was no further discussion. The item was retained on the agenda.

FEC-RESTRICTEDITEM 3 - JAPANESE ASSETS IN NEUTRAL COUNTRIES, C1-295/2 thru /5

18. With regard to the suggestion made by the French Member at the last meeting (paragraph 23) that the responsibility for marshalling Japanese assets in neutral countries be given entirely to the U. S. Government, the U. S. Member said that, from several points of view, her Government preferred the present wording of paragraph 3. It wished to have the views of the other powers in the process, and also felt that the proposed arrangement would be better in dealing with neutral countries. The French Member said that in light of the statement by the U. S. Member, he would have to seek new instructions on the present form of paragraph 3.

19. The Chairman called the attention of the Committee to C1-295/5 which contained an amendment proposed by the Chinese Member at the last meeting. In view of the correction to the minutes of the last meeting made by the Chinese Member, the Committee should consider the Chinese suggestion to amend paragraph 5 with the words, "by the Far Eastern Commission" or, alternatively, in accordance with the Terms of Reference of the Far Eastern Commission".

20. After a brief discussion, in which the consensus of the Committee appeared for the second alternative, the Chinese Member moved that paragraph 5 of C1-295/4 be amended as follows:

Pending further decisions made in accordance with the Terms of Reference of the Far Eastern Commission as to the disposal of the funds accruing from the liquidation, these funds should remain in the respective neutral countries.

The amendment was approved 9 in favor, the Soviet and U. S. Members abstaining.

21. The N. Z. Member said that he understood the amendment to mean that the decisions referred to could be FEC decisions, U. S. Interim Directives, or separate consultations by FEC Member Governments.

22. A U. K. motion to approve and forward C1-295/4, as amended, to the Steering Committee was carried 6 in favor, the USSR opposed, and the French, Indian, Philippine and U.S. Members abstaining.

23. The French Member reserved his position on the paper.

24. The U. S. Member said she had no objection to forwarding the paper, but would have to reserve her position, particularly on paragraph 5. The Chairman recalled that there had been two amendments to paragraph 5 approved by the Committee. He asked on which point the U. S. position was reserved. The U. S. Member replied that her reservation was in regard to the U. K. amendment which had deleted the final sentence of the paragraph as contained in C1-295/2, referring to the interim use of the assets. She could support the principle of the remainder of the paper.

25. The Philippine Member said that he had no instructions on the paper, but did not object to forwarding it to the Steering Committee.

26. The Soviet Member stated that it was the Soviet position that the consideration of Japanese assets in neutral countries was beyond the jurisdiction of the FEC, and should be settled by the Council of Foreign Ministers or at the Peace Conference for Japan. For this reason the Soviet delegation opposed the paper.

27. There was no further discussion. The paper will be forwarded as SC-295/6.

*established*  
*established*

*differences  
between  
now is  
approved  
by the Committee  
at the last  
year of  
FEC 1945.*

FEC-RESTRICTEDITEM 4 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

28. The Philippine Member said that the position of the Philippine delegation on the issue of reparations had been stated by the Philippine Representative on the FEC at its last meeting. He had no instructions on the questions raised by the Indian Member, and expected specific instructions soon.

29. The Netherlands Member said that he did not expect his Government to take a position on this paper, but that he would try to obtain instructions on the points raised by the Indian Member.

30. There was no further discussion. The Item was retained on the agenda.

ITEM 5 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

31. There was no discussion. The item was retained on the agenda.

ITEM 6 - OTHER BUSINESS

32. There was no other business.

33. Meeting adjourned at 4:30 p.m.

34. Time of next meeting: 28 March 1949 at 3:00 p.m.

FEC-RESTRICTED193rd Mtg. - Com. No. 128 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSSUMMARY OF MINUTESITEM 1 - APPROVAL OF THE MINUTES OF THE 192ND MEETING

Minutes amended and approved, subject to any changes which the N. Z. Member, who was absent, may wish to make. (p. 1)

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332, /1, /2

Positions canvassed. Retained on agenda. (p. 2)

ITEM 3 - PATENT POLICY FOR NEUTRALS IN JAPAN, FEC-321; C1-321/1, /2, /3

U. S. Member reported information from SCAP. Letter of reply to Swiss Minister agreed upon. Item dropped from agenda. (p. 2)

ITEM 4 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

Netherlands and Philippine Members still awaiting instructions. Retained on agenda. (p. 3)

ITEM 5 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

No discussion. Retained on agenda. (p. 3)

ITEM 6 - OTHER BUSINESS

There was no other business. (p. 3)

Time of next meeting: 4 April 1949 at 3:00 p.m. (p. 3)

Summary of Minutes - Com. No. 1  
193rd Mtg. - 28 March 1949

FEC-RESTRICTED193rd Mtg. - Com. No. 128 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Mr. Y. C. Yang, Dr. A. Koo, Mr. S. Y. Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis
New Zealand	Not Represented
Philippines	Mr. F. Lozada
U. S. S. R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mrs. J. Locke
United States	Mrs. S. G. Kallis
Secretariat	Mr. J. F. Davidson, Secretary Miss Miriam Nieland, Assistant Secretary

ITEM 1 - APPROVAL OF THE MINUTES OF THE 192ND MEETING

1. The minutes of the 192nd were approved with the following changes, and subject to any changes which the N. Z. Member, who was absent, may wish to make:

Page 1, paragraph 2, line 1: Add to the remark of the French Member the following phrase: "with the addition proposed by the Canadian Member."

Page 2, paragraph 10: The remarks of the Indian Member should read: "The Indian Member said that if as the first sentence were-made was mandatory, he did not see the use of making the second sentence mandatory as well unless it was the intent, etc."

Page 4, paragraph 19, line 6 should read: "the words 'established by the Far Eastern Commission', etc. Line 7 should read: "established in accordance with the Terms" etc.

Page 4, paragraph 24, line 5: Delete the first sentence of the U. S. Member and substitute the following: "The U. S. Member replied that her reservation was in regard to the differences between paragraph 5 as approved by the Committee and the last paragraph of FEC-295."

FEC-RESTRICTEDITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,  
1, 2

2. The Chairman canvassed the table for positions on C1-332/2 as follows:

Australia: Awaiting instructions, anticipate no objection.

Canada: Awaiting instructions.

China: Awaiting instructions.

France: Awaiting instructions.

India: Awaiting instructions.

Netherlands: Ready to vote.

New Zealand: Absent.

Philippines: Awaiting instructions, anticipate no objection.

U. S. S. R.: Awaiting instructions.

United Kingdom: Ready to vote.

United States: Reservation on last sentence of paragraph 7. Rest of paper generally acceptable.

3. There was no further discussion. The item was retained on the agenda

ITEM 3 - PATENT POLICY FOR NEUTRALS IN JAPAN, FEC-321; C1-321/1,  
2, 3

4. The Chairman noted that this item was restored to the agenda after having been dropped for two weeks in order to give the U. S. Member time to seek further information from SCAP on license agreements.

5. The U. S. Member said that her Government had been informed by SCAP that since license agreements and royalties under such agreements were now being permitted, the Swiss Mission in Tokyo had been advised, in reply to a recent communication, that the Geigy firm might now collect royalties from the manufacture of D.D.T. and might apply for permission to enter into license agreements.

6. The Chairman said that from the information just given, it could be assumed that the Swiss company was now satisfied on both the question of royalties and license agreements.

7. The Indian Member said he thought a letter of reply should now be sent to the Swiss Minister.

8. At the suggestion of the Indian Member, and after a brief discussion, it was agreed that the Secretary General should send to the Swiss Minister the letter contained in C1-321/3 with the following revision of the second paragraph:

9. I am instructed to inform you that the Far Eastern Commission has been advised that a request by J. R. GIEGY AG., as set forth in your letter of 10 September 1948, has been considered by General Headquarters of the Supreme Commander for the Allied Powers in Tokyo, and that the Swiss Mission in Tokyo has been informed of the decision.



FEC-RESTRICTED

10. It was also agreed that the Chairman should show the letter to the Chairman of the FEC before it was sent. This letter will be circulated as C1-321/4. The item was dropped from the agenda.

ITEM 4 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

11. The Netherlands and Philippine Members were still awaiting instructions.

12. There was no discussion. The item was retained on the agenda.

ITEM 5 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

13. There was no discussion. The item was retained on the agenda.

ITEM 6 - OTHER BUSINESS

There was no other business.

Meeting adjourned at 3:25 p.m.

Time of next meeting: 4 April 1949 at 3:00 p.m.

FEC-RESTRICTED194th Mtg. - Com. No. 111 April 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSSUMMARY OF MINUTESITEM 1 - APPROVAL OF THE MINUTES OF THE 193RD MEETING

The minutes of the 193rd meeting were unanimously approved.  
(p. 1)

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN,  
CI-332, /1, /2

Canadian proposal to amend paragraph 2. Retained on agenda.  
(p. 1)

ITEM 3 - REPARATIONS CLAIMS AGAINST JAPAN, CI-283/1

Philippine Member prepared to vote on CI-283/1, and can generally approve paragraphs 1, 2 and 3 of that paper. Retained on agenda. (p. 2)

ITEM 4 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS  
OF NON-FEC COUNTRIES, CI-307

No discussion. Retained on agenda. (p. 2)

ITEM 5 - OTHER BUSINESS

No other business. (p. 3)

Time of next meeting 18 April 1949 at 3:00 p.m. (p. 3)

Summary of Minutes - Com. No. 1  
194th Mtg. - 11 April 1949

FEC-RESTRICTED194th Mtg. - Com. No. 111 April 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Mr. Y. C. Yang, Dr. A. Koo, Mr. S.Y. Huang
France	Mr. A. Feguant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis
New Zealand	Mr. F. H. Corner
Philippines	Mr. F. Lozada
U.S.S.R.	Mr. B. K. Sokolov
United Kingdom	Mr. M. B. Thresher
United States	Mrs. S. G. Kallis
Secretariat	Mr. J. F. Davidson, Secretary Miss Miriam Nieland, Assistant Secretary

ITEM 1 - APPROVAL OF THE MINUTES OF THE 193RD MEETING

1. The minutes of the 193rd meeting were unanimously approved.

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,  
/1, /2

2. The U.S. Member said that her position was still reserved regarding paragraph 7 of C1-332/2. The N.Z. Member suggested forwarding the paper to the Steering Committee. Several Members were still awaiting instructions, but he thought the paper was not too controversial and that it might expedite receipt of instructions to forward it.
3. The Canadian Member said that he had received preliminary instructions from his Government which included a suggestion to amend paragraph 2. The present wording of the paragraph provided for the reinstatement of applications "which had not been acted upon." Strictly interpreted, this would exclude applications on which some preliminary or non-committal action had been taken which did not actually affect the status of the application. To avoid this possibility, he proposed adding the word "finally", making the phrase read "but which had not been finally acted upon."
4. The Indian Member questioned whether this addition would make it clear what was intended. The U.K. Member suggested that since the purpose was to deal with cases where final action was interrupted by the war, the best wording might be "but final action on which was interrupted by the outbreak of hostilities."
5. The Philippine Member asked if, in the case of the U.K. wording, the original phrase "prior to the outbreak of hostilities" could not be deleted since it was obvious from the amendment that the application had been filed before the outbreak of hostilities.

FEC-RESTRICTED

The U. K. Member said he thought this was a logical suggestion, but that it might be clearer to repeat the phrase to emphasize that the paragraph applied to applications filed before the outbreak of hostilities.

6. The French Member asked if applications filed prior to the war on which no action whatsoever had been taken would be reinstated under the U.K. wording. The U.K. Member replied that they would.

7. After a brief discussion, the Canadian Member proposed the following amendment to paragraph 2 replacing his original suggestion:

8. "2. Applications for trade-marks which were filed in Japan by nationals of countries at war with Japan prior to the outbreak of hostilities, but final action on which had not been completed at the time of the outbreak of hostilities, should on request of such nationals, be reinstated as pending applications under the original filing date."

9. Regarding paragraph 5, the Canadian Member pointed out that there was no provision for consultation with the owner of a trade-mark contested under this paragraph. It was possible that the owner as well as the petitioner might be a United Nations national, in which case there should be some provision for consulting the owner.

10. The Indian Member said he thought that the Japanese law provided for a hearing in the case of a contested trade-mark probably conducted by the Bureau of Patents. The owner would certainly state his case at that hearing. Paragraphs 5 and 6 were merely to protect United Nations nationals assuring that their complaints would be considered and by providing for an appeal to SCAP if they were not satisfied with the review given by the Japanese Government. The U.K. Member added that if the registered trade-mark was defective, complaints should be made regardless of who the owner was.

11. The Canadian Member said that he would like to put forward this point simply as a suggestion since he was not sure whether the present paper covered it or not.

There was no further discussion. The item was retained on the agenda.

ITEM 3 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

12. The Philippine Member said that he now had instructions and was ready to vote on C1-283/1. The Chairman recalled that this paper had been left on the agenda at the request of the Indian Member in order to obtain official answers to his questions.

13. The Indian Member asked if the Philippine Government was agreeable to the general lines of paragraphs 1, 2 and 3 of C1-283/1. The Philippine Member replied that it was. The Netherlands Member said he had not yet received instructions.

14. There was no further discussion. The item was retained on the agenda.

ITEM 4 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307)

15. There was no discussion. The item was retained on the agenda.

FEC-RESTRICTED

ITEM 5 - OTHER BUSINESS

16. There was no other business.
17. Meeting adjourned at 3:55 p.m.
18. Time of next meeting: 18 April 1949 at 3:00 p.m.

FEC-RESTRICTED

195th Mtg. - Com. No. 1

25 April 1949

FAR EASTERN COMMISSION

COMMITTEE NO. 1: REPARATIONS

SUMMARY OF MINUTES

ITEM 1 - APPROVAL OF THE MINUTES OF THE 194TH MEETING

The minutes of the 194th meeting were unanimously approved (page 1)

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332, A, /2

Canadian amendments to paras 2 and 4 adopted.

U.S. Member supported para 1 thru 5 and para 9, considered para 6 unnecessary and that paras 7 and 8 should be considered in context of trade practices as a whole. (pages 1-6)

ITEM 3 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

No discussion. Retained on agenda. (page 6)

ITEM 4 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

No discussion. Retained on agenda. (page 6)

ITEM 5 - OTHER BUSINESS

There was no other business. (page 6)

Time of next meeting: Wednesday, 4 May 1949, at 3:00 p.m.

Summary of Minutes - Com.No.1  
195th Mtg. - 25 April 1949

FEC-RESTRICTED195th Mtg. - Com. No. 125 April 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Dr. A. Koo, Mr. S. Y. Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis
New Zealand	Mr. F. H. Corner
Philippines	Mr. F. Lozada
U. S. S. R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mr. M. B. Thresher, Mrs. J. Locke
United States	Mr. R. B. Smith, Mrs. S. G. Kallis
Secretariat	Mr. J. F. Davidson, Secretary Miss Miriam Nieland, Assistant Secretary

ITEM 1 - APPROVAL OF THE MINUTES OF THE 194TH MEETING

1. The minutes of the 194th meeting were unanimously approved with the following change:

Page 2, paragraph 10, line 5 should read: "protect United Nations nationals by assuring that, etc."

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332, /1, /2

2. THE PHILIPPINE MEMBER called the attention of the Committee to paragraph 12 of the latest issue of the "Summary of Information on Reparations and Restitution," C1-013/61, which reported recommendations from the Far East-American Council of Commerce and Industry to the U. S. Government urging prevention of misleading marking of goods by the Japanese in the future. He asked if the U. S. Member wished to comment on this. THE CHAIRMAN questioned whether the recommendation of a private group to the U. S. Government was relevant to Committee discussion. THE U. S. MEMBER suggested postponing discussion of marking of goods until the Committee finished discussing the Canadian proposal on paragraph 2 made at the last meeting. THE PHILIPPINE MEMBER agreed.

3. THE CANADIAN MEMBER said that the amendment which he had tentatively proposed at the last meeting (Minutes 194th Mtg, para. 8) had the approval of his Government, and he formally moved its adoption.

4. THE N. Z. MEMBER inquired about the status of applications which had been turned down. He recalled that there had been some discussion at the last meeting on whether or not all applications not favorably acted on should be reinstated. He wondered if that point was settled. THE INDIAN MEMBER said he thought it was generally agreed that the Committee was not supposed to do anything about pre-war applications on which final action one way or the other had been completed at the time of the outbreak of hostilities.

*See mtg  
p. 11*

FEC-RESTRICTED

5. THE CHAIRMAN asked if the Committee was ready to vote on the Canadian amendment to paragraph 2 which read as follows:

Applications for trade-marks which were filed in Japan by nationals of countries at war with Japan prior to the outbreak of hostilities, but final action on which had not been completed at the time of the outbreak of hostilities, should, on request of such nationals, be reinstated as pending applications under the original filing date.

THE INDIAN MEMBER said that he had no objection to a vote, but would have to abstain for lack of instructions on the amendment. It was acceptable to him personally. The amendment was then voted on and approved 9 in favor, the Indian and Soviet Members abstaining. THE SOVIET MEMBER explained that he had abstained because he did not yet have instructions on the paper as a whole.

6. THE CANADIAN MEMBER said that he also had a question regarding paragraph 4. This referred to marks or names of foreign nationals "which are used by such foreign nationals and are well known in Japan." His Government felt that "used by such foreign nationals" should mean not simply use in Japan but use anywhere, following the provisions of the International Convention for the Protection of Industrial Property (Article 6, bis). The point was not completely clear in the present wording of paragraph 4. It could be cleared up either by reversing the wording of the last clause, making it read: "which are well known in Japan and are used by such foreign nationals," or by reading the understanding into the minutes when the policy was finally passed. THE U. K. MEMBER said he believed the intentions of paragraph 4 were clear in the language used, but it was conceivable that such a misunderstanding would be possible.

7. THE INDIAN MEMBER inquired as to the wording in the International Convention. THE SECRETARY then read Article 6, bis of the International Convention for the Protection of Industrial Property, adding that there seemed to be no exact wording in the International Convention which could be used to convey the intent of paragraph 4. THE INDIAN MEMBER said that he did not like the reversal of wording proposed by the Canadian Member and would prefer to add the word "anywhere" after the word "nationals" in the last line of paragraph 4.

8. THE CHINESE MEMBER said he could not imagine a case in which a mark would be well known in Japan but not used in Japan. THE U. K. MEMBER said that it seemed unlikely that a mark would be well known in Japan without being used there. However, if there were any such cases, it was reasonable that they should be covered. THE N. Z. MEMBER thought that there must be some cases of trade-marks well known in a country in which the products were not used.

9. THE CHINESE MEMBER asked whether it was really necessary to include "used by a foreign national". The important point was "well known in Japan". THE U. K. and INDIAN MEMBERS replied that the trade-mark must be used in order to warrant its protection and not registered simply to prevent others from using it. THE CHINESE MEMBER said he raised the point merely for clarification.

10. THE CANADIAN MEMBER then proposed inserting the word "anywhere" as suggested by the Indian Member. THE U. S. MEMBER said that he could see no objection to a clarification of paragraph 4. However, he would like to refer the question to his Government. He could see a possible objection to adding the word "anywhere", since this could conceivably make the Japanese Government responsible for determining whether trade-marks were in use anywhere in the world. THE CANADIAN MEMBER suggested that the Committee act on this amendment and leave any delegation with an objection to raise it at a higher level.



FEC-RESTRICTED

11. A vote was then taken on the Canadian motion to amend paragraph 4 to read:

"...which are used by such foreign nationals anywhere and are well known in Japan."

The amendment was approved by a vote of 6 in favor, with the Chinese, French, Philippine, Soviet and U.S. Members abstaining.

12. THE INDIAN MEMBER said that for clarification, he would like to raise again a question he had asked in previous discussions as to why the term "nationals of countries at war with Japan" was used in paragraphs 1, 2 and 3, while paragraph 4 referred to "foreign nationals" and paragraph 5 to "nationals of countries members of the United Nations". THE U. K. MEMBER said that since the need for the provisions of the first three paragraphs arose out of the war, they applied only to countries at war with Japan. Paragraph 4 applied universally since the Japanese Government must enforce it. The only reason that paragraph 5 should differ from paragraph 4 would be in its temporary character. THE INDIAN MEMBER thought paragraphs 4 and 5 should use the same term. At present he was inclined to favor limitation to United Nations nationals, but suggested that the point be left to the Steering Committee.

13. THE CHAIRMAN recalled that the U.S. position had been reserved regarding paragraph 7 on the marking of goods. THE U. S. MEMBER said that he now had general instructions on the paper. He could approve paragraphs 1 through 5 and paragraph 9. Paragraph 6 was considered unnecessary by his Government since it restated a right which all FEC Governments had to appeal actions of the Japanese Government to SCAP. Regarding paragraphs 7 and 8, his Government felt that they dealt with another type of problem than that of the revalidation of trade-marks provided for in paragraphs 1 through 5 and paragraph 9. All Members, of course, were aware of pre-war Japanese trade practices, and all were concerned that the Japanese should not again indulge in such unfair practices. However, the Committee was concerned at this time with policy for the occupation period and not with Japanese practice after that period. SCAP was already taking steps to prevent unfair marking of goods. Any FEC Government could make, and some had made, representations to him in this regard. Paragraphs 7 and 8 pertained to Japanese trade policy, not to the revalidation of trade-marks. They should be discussed in the context of trade practices as a whole.

14. THE CHAIRMAN said that while he could agree that there were two distinct problems involved, he had not thought that fact prohibited their being treated in the same paper. Regarding the statement that paragraphs 7 and 8 should be dealt with in the context of the whole problem of trade practice, he asked if the U. S. Member envisaged a separate paper on trade practices or if he believed the time was not appropriate for dealing with that problem.

15. THE U. S. MEMBER said that, in the first place, he would like to give an example of the way in which the subject matter of paragraph 7 had been treated elsewhere. ITO (International Trade Organization) discussion of marking of goods had concluded that the importing country could not require a general practice of marking but could require that goods be marked as to origin at the dock before export. The questions covered in paragraphs 7 and 8 had generally been handled in the past by bi-lateral negotiations. He believed that the problem was to prevent the Japanese from again engaging in practices which other countries considered unfair, and that an occupation statute was not the best way to accomplish this. Such a policy would not bind a future Japanese Government.

FEC-RESTRICTED

16. THE N. Z. MEMBER pointed out that the FEC had not limited itself simply to principles and standards for the occupation period alone. It had always been the view of the N. Z. Government that some FEC policies might be taken up by the Peace Conference. He recalled that some policies had been put on record even though SCAP had already taken steps and had the matter well in hand. One of the purposes served by such policies was a reminder to the Peace Conference. It was in this sense that paragraphs 7 and 8 looked to the future, although the paper was principally concerned with the immediate revalidation of trade-marks. He also noted the U. S. acceptance of paragraph 4. If the Commission were not to concern itself with future Japanese practices, there would be no need for paragraph 4. He added that the N. Z. Government had not been particularly interested in previous papers on patents since the subjects they contained affected New Zealand very little. However, it was very interested in the problem of marking of merchandise. Therefore he would be very reluctant to see paragraphs 7 and 8 go out of the paper.

17. THE CHAIRMAN, speaking as AUSTRALIAN MEMBER, agreed with the N. Z. Member that the question of future application of policy brought up by the U. S. Member could also apply to other FEC policy decisions. Admitting that FEC policies would have legal effect only during the period of occupation, nevertheless it had always been the Australian belief that, since some of the policies might be written into the Peace Treaty, some reform programs could be started in this period. In this particular case, the Committee was dealing with a Japanese record in marking of goods that was generally recognized as bad. In due course, Japan would become a member of the ITO in all probability. That, however, was no argument against making a step in the right direction now. As far as bi-lateral agreements were concerned, they had been tried before and had not ended the problem. He was not convinced that leaving the problem over until some future time was the most effective way of attacking it.

18. THE U. S. MEMBER said that he had mentioned the ITO as an example of a body which had drafted technical language on the question of marking of goods. This was a technical matter which could best be solved bi-laterally or multi-laterally. In this area the concern was with Japan's practice at a later date. Admittedly that practice had not been good in the past. For that reason SCAP was at present requiring marking of goods. The N. Z. Member had suggested that paragraphs 7 and 8 should be considered in light of their possible adoption in the Peace Treaty. If so, then the language must be considered as a technical problem, with due regard to other technical studies of the same problem. Any such provision should be consistent with what had gone before, for example, the provisions of the ITO.

19. THE CHAIRMAN said he concluded from the remarks just made that the U. S. Member believed the problem had not been examined sufficiently. THE U. S. MEMBER replied that that was one element of his argument. The other was that the Committee was dealing with policy for the occupation period. It was a question of which was the main problem -- trade-marks or the long-range trade policy of Japan.

20. THE CHAIRMAN, speaking as AUSTRALIAN MEMBER, said that FEC policy looked toward the Peace Treaty and that it was quite possible to start off at this point with a reform which was in the long run of interest to all countries.

FEC-RESTRICTED

21. THE CHINESE MEMBER said that he could not logically follow the U. S. argument. The FEC should make a beginning on the correction of Japanese marking of goods. Paragraphs 7 and 8 would be very useful in this regard. As for the relation of FEC policy to the Peace Treaty, some policies would undoubtedly become part of the Treaty and some would not. The approval of paragraphs 7 and 8 as FEC policy would not prejudice views *of the members* *a the subject* regarding the Peace Treaty Conference.

22. THE FRENCH MEMBER recalled a recent statement by the U. S. delegation to the effect that one object of the occupation was to help Japan to respect the rights of other nations (FEC-339). He thought that paragraphs 7 and 8 would be helpful to that end.

23. THE CANADIAN MEMBER inquired whether the U. S. Member believed that there should be no policy on the substance of paragraphs 7 and 8, or that they should be treated in a separate policy. THE U. S. MEMBER replied that he was not opposed to other detailed consideration of the matter. He believed that the present paper was not the proper context for such consideration and that full technical consideration had not been given to the problem. For example, he knew of no international agreement which required marking of goods as in paragraph 7. The ITO Agreement merely permitted it at the request of the importing country.

24. THE U. K. MEMBER called attention to the urgency of a policy on trade-marks. He would regret the removal of paragraphs 7 and 8 but thought that the whole paper ought not to be held up by a disagreement over those paragraphs. The rest of the paper was a matter of concern to the immediate administration of Japan. It was true that the subjects of trade-marks and marking of goods could be treated separately, although he would be reluctant to see them separated. The provisions on marking were not as technical as those on trade-marks and could only be drawn up in general terms. However, the subject had been as fully discussed in the Subcommittee as that of trade-marks. In any case, he hoped that the Committee could soon decide to forward the paper, with or without paragraphs 7 and 8, to the Steering Committee.

25. THE U. S. MEMBER said that he shared the U. K. hope for a policy on trade-marks in the near future. He believed that further discussion was necessary on the question of marking of goods, and since he was not aware of any objections to the steps presently being taken by SCAP in this regard, he did not consider that a matter of such urgency.

26. THE N. Z. MEMBER asked if SCAP was at present embarrassed by a lack of policy regarding trade-marks. THE U. S. MEMBER replied that he was. Since trade-marks represented property of nationals of FEC Governments, SCAP felt that he should have an FEC policy before proceeding.

27. THE CHAIRMAN, speaking as AUSTRALIAN MEMBER, agreed that the subject of trade-marks was the most urgent of the two with which the paper dealt because of SCAP's administrative problem. It was his view that this was a good opportunity to correct Japanese practices on marking of goods, but if discussions on this point involved delay, he would favor going ahead on trade-marks. He was reluctant to see paragraphs 7 and 8 dropped, but would agree in view of the U. S. objection, with the understanding that such action did not prejudice further discussion of marking of merchandise.

FEC-RESTRICTED

28. THE U. S. MEMBER said that his remarks should not be interpreted as an objection to further discussion of the substance of paragraphs 7 and 8 apart from the present paper. However, his Government believed that paragraph 6 should be eliminated as unnecessary. The right of appeal to SCAP was in common use.

29. THE INDIAN MEMBER pointed out that paragraph 6 referred to appeals by nationals which was different from diplomatic discussions between Government missions and SCAP. THE U. S. MEMBER said that paragraph 6 in fact directed SCAP to enforce a policy which he would already be enforcing as a matter of course. THE CHAIRMAN pointed out that paragraph 6 provided for appeal in a specific case, and did not simply direct SCAP to enforce the whole policy.

30. THE N. Z. MEMBER thought that paragraph 5 did not leave much latitude to the Japanese Government since it stated that "if the facts presented by the applicant are found to be correct" cancellation was required. He saw no objection to deleting paragraph 6.

31. THE INDIAN MEMBER said that the finding as to the correctness of the fact would be done by the Japanese Bureau of Patents. The effect of paragraph 6 would actually be a moral check on the Bureau. The right to appeal a specific finding of the Bureau to SCAP would insure judicious treatment by the Bureau. THE CHAIRMAN said that the effect of paragraph 6 would be to make SCAP a court of last resort in the specific case of the finding. THE U. S. MEMBER said that SCAP would in any case be responsible for enforcement of the policy. THE INDIAN MEMBER replied that it was not a question of policy enforcement, but of specific cases where facts were to be reviewed. SCAP could not possibly review every finding.

32. THE N. Z. MEMBER said that the alternative to a direct appeal by the national would be a representation by the national through his Government mission to SCAP regarding the action of the Bureau of Patents. THE INDIAN MEMBER said that was the normal channel open. Paragraph 6, however, would provide a special expediency in the case of contested trade-marks. THE CHAIRMAN, speaking as AUSTRALIAN MEMBER, said that an appeal through a diplomatic mission would probably be the most effective way of obtaining action in any case. He was neutral on the question of paragraph 6, but merely wondered how much would be gained by its provisions.

33. THE N. Z. MEMBER suggested that paragraphs 7 and 8 be removed from the present paper and referred to Committee No. 2 as a separate paper. THE CHAIRMAN said he thought it best to defer the questions of paragraph 6 and paragraphs 7 and 8, including the division of the paper, until next week.

There was no further discussion. The item was retained on the agenda.

ITEM 3 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

34. THE NETHERLANDS MEMBER said that he had not yet received instructions. There was no further discussion. The item was retained on the agenda.

ITEM 4 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

35. There was no discussion of this item. The item was retained on the agenda.

ITEM 5 - OTHER BUSINESS

36. There was no other business.

37. Meeting adjourned at 4:50 p.m.

38. Time of next meeting: Wednesday, 4 May 1949, at 3:00 p.m.

FEC-RESTRICTED196th Mtg. - Com. No. 14 May 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSSUMMARY OF MINUTESITEM 1 - APPROVAL OF THE MINUTES OF THE 195TH MEETING

Final approval postponed due to absence of Canadian and New Zealand Members. (p. 1)

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN,  
C1-332, /1, /2, /3

Discussed possibility of making a separate paper of paragraphs 7 and 8. Philippine and French Members officially accept paper as a whole. (pp. 1-4)

ITEM 3 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

Netherlands Member had official instructions on paragraphs 1, 2 and 3. Item dropped from agenda. (p. 4)

ITEM 4 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS  
CLAIMS OF NON-FEC COUNTRIES, C1-307

Related to Item 3; therefore dropped from agenda. (p. 4)

ITEM 5 - OTHER BUSINESS

Chinese query of U.S. Member as to status of secured fund in paragraph 8 of FEC-011/51, Restitution of Looted Property.

No other business. (pp. 4-5)

Time of next meeting: Monday, 9 May 1949, at 3:00 p.m.

Summary of Minutes - Com. No. 1  
196th Meeting - 4 May 1949

FEC-RESTRICTED196th Mtg. - Com. No. 14 May 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Not Represented
China	Dr. A. Koo, Mr. S. Y. Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis
New Zealand	Not Represented
Philippines	Mr. F. Lozada
U.S.S.R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mr. M. B. Thresher, Mrs. J. Locke
United States	Mr. R. B. Smith, Mrs. S. G. Kallis
Secretariat	Mr. Andrew E. Rice, Secretary Miss Miriam Nieland, Assistant Secretary

ITEM 1 - APPROVAL OF THE MINUTES OF THE 195TH MEETING

1. Final approval of the minutes was deferred until the next meeting due to the absence of the Canadian and New Zealand Members. The following changes were made thus far:

2. Page 1, paragraph 2, line 9, between the word "discussion" and the next sentence starting "The U.S. Member" add the following sentence: "THE PHILIPPINE MEMBER explained that the reference was made to the issue because he believed that it might contain some information which the Committee could make use of in the subject under discussion."

3. Page 5, paragraph 21, last sentence should read: "The approval of paragraphs 7 and 8 as FEC policy would not prejudice views of the Members on the subject at regarding the Peace Treaty Conference."

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332, /1, /2, /3

4. THE CHAIRMAN reviewed the position of the U.S. Member as stated at the last meeting that paragraphs 1 through 5, and paragraph 9 were acceptable to his Government, that paragraph 6 was considered unnecessary, and that the substance of paragraphs 7 and 8 was irrelevant to the rest of the paper.

5. THE U. K. MEMBER said that he would like to see some definite action taken on this paper today, but because of the absence of the Canadian and New Zealand Members, he would postpone making a formal motion to vote on any outstanding amendments and to forward the paper to the Steering Committee.

FEC-RESTRICTED

6. In reply to a query by the Indian Member as to what course the U. S. Member intended to take in regard to paragraphs 6, 7 and 8, the U.S. MEMBER replied that he would formally move to delete these paragraphs from the present paper when all Members were present. He also recalled that at the last meeting when a vote was taken on paragraph 4 to insert the word "anywhere" he had abstained from the vote. He now wished to state that the addition of this word was acceptable to his Government.

7. THE INDIAN MEMBER also asked if the U.S. Member intended merely to remove paragraphs 7 and 8 from the present paper, or to have the substance of these paragraphs treated in a separate paper. THE U.S. MEMBER said he desired the deletion of these paragraphs from the present paper, and he would not oppose a separate discussion of the subject matter, although he, himself, had no intention of introducing a paper on the subject at this time.

8. THE CHAIRMAN said he thought the best procedure would be for some Member to introduce the substance of these two paragraphs as a separate paper. He agreed with the Indian Member who said that since there were other items relating to trade practices besides the marking of goods, perhaps they could all be incorporated into one paper, and referred to Committee No. 2 since that would be the appropriate place for discussion of this subject.

9. THE INDIAN MEMBER said there were two points involved: one a matter of procedure, the other a matter of substance. THE U.S. MEMBER said he considered the matter of procedure -- that is, the treatment of paragraphs 7 and 8 in a separate paper -- acceptable. As far as the actual substance of these two paragraphs was concerned, some of the details needed further discussion by his Government.

10. THE INDIAN MEMBER said that would indicate reference to a Subcommittee would be desirable, as many technical points could be discussed there. THE CHAIRMAN said he thought a decision on sending paragraphs 7 and 8 to the Subcommittee should be delayed until a vote were taken on the U.S. amendments. THE INDIAN MEMBER replied that before a vote were taken on the deletion of these paragraphs, it would be better to have the U.S. view as to whether or not paragraphs 7 and 8 should be incorporated into a separate paper.

11. THE NETHERLANDS MEMBER asked whether the deletion of paragraphs 6, 7 and 8 would be handled as one motion, or whether a separate vote would be taken on the deletion of each paragraph. If the latter, he thought that perhaps amendments could be suggested to each paragraph which might then make the paragraph acceptable to the U.S.

12. THE U.S. MEMBER recalled his reasons for the deletion of paragraphs 6, 7 and 8. He said his Government believed paragraph 6 was unnecessary, and that paragraphs 7 and 8 dealt with a separate matter from the substance of the rest of the paper. Therefore, his motion would be in two parts: the first to delete paragraph 6, and the second to delete paragraphs 7 and 8. Repeating the statement made at the previous meeting, THE U.S. MEMBER said the purpose of the deletion was by no means to end discussion of the subject matter contained in those paragraphs. On the other hand, the U.S. would ~~welcome~~ *not oppose* continued discussion in whatever procedural form the other Members desired.

FEC-RESTRICTED

*agree to the proposal that*

13. THE CHINESE MEMBER said he was reluctant to delete paragraphs 7 and 8, since, as he understood it, the U.S. objection was to substance rather than procedure. If that were so, the U.S. would maintain their same objection if these paragraphs were incorporated in another paper. He considered the subject matter covered in these paragraphs to be very important and they would serve a useful purpose if they could be adopted with the paper as a whole. In fact, he thought the rest of the paper might offer an inducement to certain countries to accept paragraphs 7 and 8. He thought these paragraphs would be welcomed by some delegations because they were an indication of the development of international responsibilities of the Japanese Government. ~~This would offer The Japanese Government an opportunity to follow and observe international trade practices under the guidance of SCAP.~~ He said he would like to move at a later meeting that the paper as a whole be forwarded to the Steering Committee. There were several instances in the past where Members' views in the committee were not too favorable on certain portions of a paper, but by the time it reached the FEC they had, nevertheless, approved the paper as a whole. Perhaps this might be the case now.

*to be deleted**towards gradual assumption**should be required*

14. THE PHILIPPINE MEMBER said he could officially state that the trade-marks paper was generally acceptable to his Government. Paragraphs 7 and 8 were of great concern and interest to them. Before the war, merchandise which was manufactured in Japan had the markings changed by the time the goods reached the Philippines, and paragraphs 7 and 8 were intended to eradicate this unfair trade practice. If these paragraphs were deleted, he would have to seek further instructions from his Government.

15. THE FRENCH MEMBER said his position was the same as that just stated by the Philippine Member.

16. THE U.K. MEMBER said that in view of the Philippine and French statements, he thought the paper as a whole should be referred to the Steering Committee, as not much more could be done at Committee level. He did not consider the subject of trade practices pertinent to Committee No. 1, and besides, he was not sure what was meant by talking about trade practices in general. He said the FEC already had adopted a policy on trade with Japan, in which there were concrete provisions. ~~He thought if next week a vote were taken on the U.S. proposal to delete paragraphs 7 and 8, that it would be desirable to send both the paper and the deleted paragraphs to the Steering Committee to see what would be decided there. This would expedite action on trade-marks, and would clear up the question of whether trade practices should be dealt with at all.~~

*See page 197th mtg*

17. THE CHAIRMAN said he agreed with the remarks of the U.K. Member, and thought consideration of the paper should be postponed, so as to give Members an opportunity to study the suggestion of the U.K. Member.

18. THE U.S. MEMBER, in addressing himself to the remarks of the Chinese Member who had indicated it was desirable to have the Japanese indulge in fair trade practices during the period of the occupation, remarked that, as he suggested last week, it was his feeling that the primary concern of all the Members was with the post-occupation practices of the Japanese. As far as the present was concerned, he knew every one was aware that strict surveillance was being enforced by SCAP now, and nothing objectionable had been reported. Therefore if the intent was not to write a new policy, since one was now in effect, but rather to attempt at least the beginnings of a policy that would have post-occupation advantages, he thought the technical aspects



FEC-RESTRICTED

of the present paper, as it now stood, were not strictly in conformity with the normal technical provisions of bilateral or multilateral procedures. The technical aspects should be considered now if it prefaced a future policy for Japan.

19. There was no further discussion. The item was retained on the agenda.

ITEM 3 - REPARATIONS CLAIMS AGAINST JAPAN, C1-283/1

20. THE NETHERLANDS MEMBER said his Government had been reluctant to give its views on this paper. Their position was reserved on paragraph 1. On paragraph 2, his Government was <sup>as stated therein</sup> inclined to favor the principle of ~~national~~ <sup>national</sup> claims, ~~rather than territorial, if this policy came into force~~, but they would not ~~strictly bind~~ themselves to this principle. Paragraph 3 was considered unnecessary, but there was no particular objection to it. *restrict*

21. THE INDIAN MEMBER said that since all Members had now replied to his inquiries regarding paragraphs 1, 2 and 3 of this paper, he would suggest that the item be temporarily dropped from the agenda until he had opportunity to receive instructions from his Government.

22. After a brief discussion, it was decided to drop the item indefinitely with the full understanding that it could be raised by any Member at any future date.

ITEM 4 - PROPOSED PUBLIC ANNOUNCEMENT REGARDING REPARATIONS CLAIMS OF NON-FEC COUNTRIES, C1-307

23. Since this item is related to item 3 above, it was also dropped from the agenda without prejudice to future discussion.

ITEM 5 - OTHER BUSINESS

Chinese Query re Paragraph 8 of Restitution Policy (FEC-011/51)

24. THE CHINESE MEMBER quoted from this paragraph as follows:

"After full opportunities have been given for inspection of objects known to have been looted, the Supreme Commander for the Allied Powers should be authorized to liquidate property including stocks of gold, silver, other precious metals, precious stones and jewels but not cultural objects, known to have been looted but not identified pursuant to the terms of this paper. The proceeds of such liquidation shall form a secured fund.....The secured fund shall be distributed to the recipient countries not later than 1 October 1949".

He inquired whether it were possible to know the value of the secured fund. He said that when the same question was asked of the U.S. Member some time ago, he was informed it was difficult at that time to estimate the value of the secured fund before the period for filing claims had expired.

25. THE CHINESE MEMBER then quoted from paragraph 14 of FEC-011/51 as follows:

"No claims for the restitution of looted property should be lodged with the Supreme Commander for the Allied Powers after eight months from the issuance of a directive giving effect to this policy decision."

FEC-RESTRICTED

He said that since the policy decision was approved on 29 July 1948, more than eight months had elapsed. He said he was sure that most, if not all, the claims had been lodged with SCAP at this time, and he wondered if the U.S. Member was now in a position to inform him of the value of the secured fund referred to in paragraph 8 of the Restitution policy.

26. THE U.S. MEMBER replied that he would be glad to obtain this information for the Chinese Member. He said in a preliminary way that, based upon the date of receipt of the directive by SCAP, which was 5 August 1948, the expiration date would be 5 April 1949 in Tokyo. He said there were still several outstanding claims which had not yet been acted upon. SCAP, at the request of several Member Governments, had made inspection of these claims, but final disposition had not yet taken place. He said no final accounting could be given until action had been taken on all those outstanding claims, *and the pool of unidentified looted property had been liquidated.*

27. THE CHINESE MEMBER said he was aware of the fact that claims could be lodged after the expiration date of the policy, as provided for in paragraph 14, but that he would appreciate at this time an approximate value of the secured fund.

28. There was no other business.

29. Meeting adjourned at 11:35 a.m.

30. Time of next meeting: Monday, 9 May 1949, at 3:00 p.m.

FEC-RESTRICTED

197th Mtg. - Com. No. 1

9 May 1949

FAR EASTERN COMMISSION

COMMITTEE NO. 1: REPARATIONS

SUMMARY OF MINUTES

Final approval was given to minutes of 195th Meeting.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 196TH MEETING

Minutes approved, subject to any change which Mr. R. B. Smith (U.S.) who was absent, may make. (p. 1)

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,  
/1, /2, /3

Comments by Mr. de Blank, Netherlands Delegation, suggesting changes in wording of C1-332/2, and a possible alternative approach. These were referred to Patents Subcommittee. Vote on U.S. amendments postponed. Item retained on agenda. (pp. 2-4)

ITEM 3 - OTHER BUSINESS

Query by Philippine Member on paragraph 3 of C1-013/62, Summary of Information on Reparations and Restitution. (p. 4)

No other business. (p. 5)

Time of next meeting: 16 May 1949 at 3:00 p.m. (p. 5)

Summary of Minutes - Com. No. 1  
197th Mtg. - 9 May 1949

FEC-RESTRICTED197th Mtg. - Com. No. 19 May 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Dr. A. Koo, Mr. S. Y. Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis, Mr. M. de Blank
New Zealand	Mrs. I. Bloomfield
Philippines	Mr. F. Lozada
U.S.S.R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mr. M. B. Thresher
United States	Mrs. S. G. Kallis
Secretariat	Mr. J. F. Davidson, Secretary Miss Miriam Nieland, Assistant Secretary

Final approval was given to the minutes of the 195th meeting.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 196TH MEETING

1. The minutes of the 196th meeting were approved with the following changes, and subject to any changes which Mr. R. B. Smith (U.S.) who was absent, may wish to make:

Page 3, paragraph 13, first sentence should read: "THE CHINESE MEMBER said he was reluctant to agree to the proposal that delete paragraphs 7 and 8 be deleted, etc."

Page 3, paragraph 13, line 12 should read: "development towards gradual assumption of international responsibilities ef by the Japanese Government. This-would-ffer The Japanese Government an-epportunity should be required to follow etc."

Page 3, paragraph 13, last line should read: "be the another case new."

Page 3, paragraph 16, delete the two sentences beginning in lines 8 and 12 and substitute the following: "He thought if a decision was reached next week to make a separate paper out of paragraphs 7 and 8, the two papers should be sent together to the Steering Committee. This might expedite action on both subjects."

Page 4, paragraph 20, lines 4 and 5 should read: "inclined to favor the principle of national claims as stated therein, rather than territorial, -if-this-policy-came-into-force, but they would not strictly-bind restrict themselves, etc."

FEC-RESTRICTEDITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,  
/1, /2, /3

2. THE NETHERLANDS MEMBER said that Mr. de Blank of the Netherlands delegation, who had recently returned from Japan, had some personal remarks to make regarding C1-332/2. If there were no objection, he would like to have Mr. de Blank speak to the Committee himself.

3. MR. de BLANK said that while in Japan he had talked with various people interested in the problem of restoration of trade-marks. From the opinions expressed, he had two changes in the wording of the present paper to suggest. In the first place, he would like to point out that there was a difference between trade-marks and trade names, although the two were very closely associated. Paragraphs 4 and 5 specifically refer to trade names, but in the title and the first three paragraphs, only the term "trade-mark" is used. He thought that the paper should cover both trade-marks and trade names. This could be done either by using both terms wherever "trade-marks" appear in the paper or by adding a final paragraph indicating the application of the paper to trade names, as had been done in the case of registered designs in FEC-284, "Policy Towards Patents, Utility Models and Designs in Japan".

4. The second change he had to suggest concerned the phrase "should be restored as of that date" in paragraph 1, line 4. It was possible that the meaning might not be clearly understood. For this reason he proposed to follow those words with the words "and the period from that date to the date of restoration should not be reckoned in the normal term of the period of protection of such trade-marks. No payment of fees will be required for the period between that date and the date of restoration."

5. Finally, he would like to raise a point that was more concerned with the principle of the whole paper than with specific wording. Under the present provisions of paragraph 1, trade-marks would be restored only on request of the owners. It was conceivable that records of trade-marks held before the war might have been lost or destroyed during the war. This would make it difficult for owners to request restoration. He suggested that the Committee might consider providing for a blanket restoration of all trade-marks in effect at the date of the outbreak of hostilities instead of requiring a separate request for each one. This was an entirely different approach from the present paper, but he put it forward as something the Committee might consider.

6. THE CHAIRMAN, asked, regarding Mr. de Blank's first point, if it was the usual practice to distinguish between trade-marks and trade names. MR. de BLANK replied that they were actually different. However, the two terms were commonly grouped together. THE CHAIRMAN asked how a trade name applied to a product would differ from a trade-mark. MR. de BLANK replied that there was a difference in legislation in Japan and it was thought that it would be better to include trade names specifically in all the provisions of this paper.

7. THE U.K. MEMBER said that insofar as trade <sup>marks</sup> ~~names~~ were registered, they would be covered by paragraphs 1, 2 and 3. Paragraphs 4 and 5 contained a direct reference. He agreed that the paper should cover trade names, wherever applicable, but thought perhaps it would be most expeditious to refer the question to the Subcommittee to examine.

*to trade names*

FEC-RESTRICTED

8. THE CHINESE MEMBER inquired if trade names were normally registered in Japan, and also, whether paragraphs 4 and 5 might not adequately cover trade names. MR. de BLANK replied that it had not been felt that paragraphs 4 and 5 were sufficient. THE U.K. MEMBER thought the question of whether or not trade names were registered was the important one. This could best be done by having the Subcommittee examine present Japanese legislation.

9. THE U.S. MEMBER hoped that this detail would not hold up the paper too long. She suggested that the Subcommittee might meet and report back by the next meeting.

10. THE INDIAN MEMBER asked if the whole paper was to be referred to the Subcommittee, or only this specific point. THE CHAIRMAN said that he thought the best course would be to refer only this point to the Subcommittee, if there were no objection from any member. He asked if there were any comments on the second suggestion made by Mr. de Blank.

11. THE U.K. MEMBER said that he had always been convinced that the phrase "as of that date" adequately included the meaning in the proposed amendment. However, he could see no objection to the added words. He suggested that this point also be referred to the Subcommittee for drafting purposes. MR. de BLANK said that he had put forward this particular wording only as a basis for discussion, and agreed that the matter be referred to the Subcommittee for drafting. THE INDIAN MEMBER said that he had no objection to referring this point to the Subcommittee, but could not agree to limiting the Subcommittee consideration only to drafting. He was not ready to accept the necessity for the change and preferred to have the Subcommittee consider the entire question.

12. THE CHAIRMAN asked if there were any comments on the question of a blanket restoration of trade-marks raised by Mr. de Blank. MR. de BLANK said that he understood this had been done in some of the European treaties. THE CHINESE MEMBER suggested that the Subcommittee also take up this point and decide which approach was best.

13. THE CHAIRMAN asked if the Chairman of the Patents Subcommittee, Mr. Thresher, could recall how the present approach had been arrived at. THE U.K. MEMBER replied that the Subcommittee had considered this the simplest and fairest way of handling the problem of restoration of trade-marks. Personally he could see no objection to the amendments which had been proposed. However, he thought that the alternative approach which had been suggested needed careful consideration in the light of special cases which might be involved. In the case of restoration for a short time, for example, an Allied national might be better protected under the present paper. THE U.S. MEMBER agreed with the U.K. Member that careful consideration should be given before such a basic change were undertaken.

14. MR. de BLANK said that he had considered the possibility of a trade-mark being restored with only a short time to run as suggested by the U.K. Member. This could be taken care of, in case it were decided to provide for a blanket restoration, by changing the final sentence of paragraph 1 to provide that owners should be given adequate time to meet the requirements for renewal. He pointed out that the approach he had suggested might be easier for both Allied nationals who had owned trade-marks in Japan and for the Japanese Patent Office, since special transactions would be required only in case of renewals and not in the case of every trade-mark to be restored to an Allied national.

FEC-RESTRICTED

15. THE CHAIRMAN asked if the Committee had any preferences in considering this question. THE CANADIAN and FRENCH MEMBERS preferred to refer the matter to the Subcommittee. THE U.K. MEMBER suggested that since it might be difficult for the Subcommittee to report back on this question by the next meeting, it should report first on the suggested amendments to the present paper and then proceed to consider the question of alternative approaches to the whole problem. The Subcommittee might even produce an alternative draft which could be examined if the Committee should decide to consider a blanket renewal. THE NETHERLANDS MEMBER agreed that an alternative draft might be the best method. THE CHAIRMAN said that if there were no objection, this question also would be referred to the Subcommittee.

16. THE CHAIRMAN recalled that the Committee still had before it the U.S. proposals to delete paragraph 6, and paragraph 7 and 8 of C1-332/2. THE PHILIPPINE MEMBER suggested that these amendments also be referred to the Subcommittee. THE U.S. MEMBER said that the proposed deletions were different from the other points which had been referred to the Subcommittee. The U.S. proposals had been before the Committee for three weeks and there had so far been no suggestion to refer them to the Subcommittee. She thought it should be possible for action to be taken in the Committee.

THE PHILIPPINE MEMBER said that he had suggested referral to the Subcommittee because paragraphs 7 and 8 dealt with marking of merchandise and if they were deleted, the title of the paper should be changed.

17. THE CHAIRMAN said that it seemed best to vote on the U.S. amendments in the Committee if Members were ready for a vote. THE CANADIAN MEMBER said that he had no objection to a vote, but would have to abstain for lack of instructions. THE SOVIET MEMBER said that since he had not received instructions on C1-332/2, he would abstain from the vote. THE U.K. MEMBER suggested that it might be well to defer a vote if all Members were not prepared to vote, unless the U. S. Member desired to have a vote as an expression of views. For his own part, the motion which, as it stood, would in effect table paragraphs 7 and 8 was unacceptable to him.

18. THE NETHERLANDS MEMBER asked if any other wording of paragraph 6 would be acceptable to the U.S. Member. THE U.S. MEMBER replied that her Government considered this paragraph unnecessary, and an alternative wording would not change the basis of this view. THE NETHERLANDS MEMBER said he generally preferred to retain paragraph 6 but would not object to a vote being taken on the U. S. amendment.

19. THE U. S. MEMBER said she had no objection to postponing a vote on the U.S. amendments until the next meeting. THE CHAIRMAN said that the suggestions made by Mr. de Blank would be referred to the Subcommittee for consideration with the hope that a report would be possible by the next meeting. The U.S. amendments would also be considered at the next meeting.

20. There was no further discussion. The item was referred to the Patents Subcommittee with a report to be made at the next meeting of Committee No. 1.

ITEM 3 - OTHER BUSINESSQuery by Philippine Member on paragraph 3 of C1-013/62,  
Summary of Information on Reparations and Restitution

21. THE PHILIPPINE MEMBER called attention to paragraph 3

FEC-RESTRICTED

of C1-013/62, which contained a press report to the effect that a delegate of an allied reparations mission in Tokyo had charged that repeated mistakes in inventory lists drawn up by Japanese reparations officials were direct attempts to sabotage reparations. THE PHILIPPINE MEMBER asked the views of the U. S. member on this matter. THE U.S. MEMBER replied that she would refer the question to her Government, but added that it should be borne in mind that the article to which the Philippine Member referred was merely a news report.

22. There was no other business.
23. Meeting adjourned at 4:10 p.m.
24. Time of next meeting: 16 May 1949 at 3:00 p.m.



FEC-RESTRICTED

198th Mtg. - Com. No. 1

16 May 1949

FAR EASTERN COMMISSION

COMMITTEE NO. 1: REPARATIONS

SUMMARY OF MINUTES

Additional changes to minutes of 196th meeting. (p. 1)

ITEM 1 - APPROVAL OF THE MINUTES OF THE 197TH MEETING

Minutes amended and unanimously approved. (p. 1)

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332,  
/1, /2, /3, /4

Report by Chairman of Patents Subcommittee. U.S. motion to delete paragraph 6 carried. U.S. motion to delete paragraphs 7 and 8 lost. Paper approved and forwarded to Steering Committee. (pp. 1-3)

ITEM 3 - OTHER BUSINESS

a. Chairman of Occupation Costs Subcommittee reported U.S. announced reviewing its position on FEC-288. (pp. 3-4)

b. Chinese Query on Value of Secured Fund in paragraph 8 of FEC-011/51. (p. 4)

c. Submission of further policies on reparations by U.S. (pp. 4-5)

There was no other business.

Time of next meeting: At the call of the Chairman.

Summary of Minutes - Com. No. 1  
198th Meeting - 16 May 1949

FEC-RESTRICTED198th Mtg. - Com. No. 116 May 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMINUTESATTENDANCE:

Australia	Mr. H. W. Bullock (Chairman)
Canada	Mr. R. E. Collins
China	Dr. A. Koo, Mr. S. Y. Huang
France	Mr. A. Fequant
India	Mr. S. N. Banerji
Netherlands	Mr. G. J. Jobsis, Mr. M. de Blank
New Zealand	Mrs. I. Bloomfield
Philippines	Mr. F. Lozada
U.S.S.R.	Mr. B. K. Sokolov, Mr. G. P. Pokrovsky
United Kingdom	Mr. M. B. Thresher, Mrs. J. Locke
United States	Mr. R. B. Smith, Mrs. S. G. Kallis, Mr. M. J. Dux
Secretariat	Mr. J. F. Davidson, Secretary Miss Miriam Nieland, Assistant Secretary

Additional Changes to Minutes of 196th Meeting

1. MR. R. B. SMITH (U.S.) made the following changes to the minutes of the 196th meeting:

Page 2, paragraph 12, penultimate line should read: "On the other hand, the U.S. would welcome not oppose continued discussion"

Page 5, paragraph 26, second line should read: "this information for the Chinese Member, when available."

Page 5, paragraph 26, add the following to the last sentence: "and the pool of unidentified looted property had been liquidated."

ITEM 1 - APPROVAL OF THE MINUTES OF THE 197TH MEETING

2. The minutes of the 197th meeting were unanimously approved with the following changes:

Page 2, paragraph 7, the first line should read: "THE U.K. MEMBER said that insofar as trade names marks were"

Page 2, paragraph 7, third line should read: "4 and 5 contained a direct reference to trade names."

ITEM 2 - TRADE-MARKS AND MARKING OF MERCHANDISE IN JAPAN, C1-332, /1, /2, /3, /4

3. THE CHAIRMAN noted that C1-332/4 contained the report of the Patents Subcommittee on the questions which had been referred to it at the last meeting. He asked if the Chairman of the Subcommittee had any comments.

FEC-RESTRICTED

4. THE U. K. MEMBER said that the Subcommittee had discussed the three points raised by the Netherlands Member. First, in order to clarify the phrase "as of that date" in paragraph 1 of C1-332/2, it was decided to rearrange the whole wording of paragraph 1. The final sentence of the paragraph, as reported by the Subcommittee, was intended to provide for a prolongation of restored trade-marks for a period equal to that which they still had to run at the outbreak of hostilities. The Appendix of C1-332/4 contained some examples prepared by the Secretary indicating the way in which trade-marks would be extended by the provisions of the last sentence. He suggested that the Appendix might be forwarded to the Steering Committee with the paper. THE CHAIRMAN asked if the Netherlands Member of the Subcommittee had been fully satisfied with the decision on this point. THE U.K. MEMBER replied that the Netherlands Member had expressed his agreement in the Subcommittee.
5. Regarding the second question, that of the automatic restoration of all Allied trade-marks which had been outstanding at the outbreak of hostilities, the Subcommittee had decided that it was better to require requests to be submitted where restoration of trade-marks was desired. Among other things, this would mean that rights no longer desired would automatically be dropped. FEC-284/19, Policy Towards Patents, Utility Models and Designs in Japan, had required application for reinstatement. The Subcommittee had not felt itself necessarily bound by this precedent, but had decided to follow it. The Netherlands Member had expressed no strong feeling on this point.
6. The third point was the extension of the policy to trade names. This had been accomplished by the addition of paragraph 10 and an appropriate change in the title.
7. THE PHILIPPINE MEMBER said that he would appreciate further explanation of the Appendix of C1-332/4. THE SECRETARY said that for purposes of illustrating the last sentence of paragraph 1, six hypothetical trade-marks had been taken with various dates of registration, all of which were assumed to have been registered for a 20-year period. Various dates had been taken in each example for the outbreak of hostilities between Japan and the country of the owner of the trade-mark. The third column indicated the unexpired term of the trade-mark in each example based on the dates in the first two columns. A date of restoration was then assumed for each example and the unexpired term of the trade-mark projected from that date. The last column indicated the expiration date of restored trade-marks.
8. THE U.K. MEMBER said that one point should be added. For purposes of the example, one year had been assumed as the "reasonable period" to be provided by the Supreme Commander for acceptance of requests for restoration of trade-marks. However, it was only necessary for these requests to be submitted within the year. Actual restoration might take place after that period. In all of the examples, restoration was assumed within that period. An additional example should perhaps be added indicating the possibility of restoration after the termination date for acceptance of requests.
9. THE INDIAN MEMBER suggested that for the benefit of those Members not on the Subcommittee, an explanation should be made as to why "commercial or corporate names or marks" were also included in paragraph 10. THE U.K. MEMBER said that these terms had appeared at various points in the Japanese Trade-Mark Law, the Law for the Prevention of Unfair Competition and in the Convention for the Protection of Industrial Property. They were included in paragraph 10 to insure that in the translation into Japanese all relevant terms would be covered which appear in the Japanese laws.

FEC-RESTRICTED

10. THE CHAIRMAN asked if Members were ready to take final action on the paper. The Australian, Canadian, French, Netherlands, Philippine and U.S. Members said they were prepared to vote on the paper. THE SOVIET MEMBER said that he was without instructions on the paper, but would not object if the Committee decided to forward it. THE CHINESE MEMBER said that he was prepared to forward the paper to the Steering Committee, but wondered if further thought should be given to paragraph 3 in the light of the experience with patent papers. THE CHAIRMAN said that paragraph 3 could be discussed if any Members wished. However, he suggested proceeding to the U.S. amendments.

11. THE U.S. MEMBER moved the deletion of paragraph 6, commenting that his Government believed this paragraph to be unnecessary for reasons which had been given in previous discussions (195th and 196th Mtgs). THE INDIAN MEMBER said that he believed paragraph 6 should be retained, but that he would abstain in the vote on the U.S. motion because he had no instructions. The U.S. motion was then voted on and carried by a vote of one in favor (U.S.), the remainder of the Members abstaining.

12. THE U.S. MEMBER moved the deletion of paragraphs 7 and 8, saying that the reasons for this motion also had been fully stated in previous discussions. THE NETHERLANDS MEMBER said that, while he would rather have paragraph 8 retained in the paper, he would abstain because of his objection to the present wording of sentence 2 of paragraph 7. THE CANADIAN MEMBER said he had no final instructions, but since his Government had approved the paper with those paragraphs and had considered them important, he would oppose the U.S. motion. THE PHILIPPINE MEMBER said that his delegation attached considerable importance to paragraphs 7 and 8 and he would oppose their deletion. THE CHAIRMAN, speaking as AUSTRALIAN MEMBER, said that he was without final instructions, but would oppose the U.S. motion. THE SOVIET MEMBER said that he would abstain because of lack of instructions on the whole paper.

13. A vote was then taken on the U.S. motion to delete paragraphs 7 and 8, which was lost one (U.S.) in favor, 8 opposed, with the Netherlands and Soviet Members abstaining.

14. A U.K. motion to approve and forward the paper to the Steering Committee was carried 9 in favor, one (U.S.) opposed, the Soviet Member abstaining. THE U.S. MEMBER said that he had opposed the paper because of the inclusion of paragraphs 7 and 8, but had no objection to forwarding it. THE CHINESE MEMBER said that the substance of the paper was acceptable to his delegation, but that he had no final instructions. THE INDIAN MEMBER said his position was the same as that of the Chinese Member. THE SOVIET MEMBER reserved his delegation's position on the whole paper for lack of final instructions.

15. There was no further discussion and the item was forwarded to the Steering Committee (subsequently circulated as SC-332/5).

ITEM 3 - OTHER BUSINESSa. Occupation Costs

16. THE U.K. MEMBER, Chairman of the Subcommittee on Occupation Costs, said that FEC-288, a U.S. proposal on occupation costs, had been in the Subcommittee for over a year. During this time, considerable effort had been expended in attempts to clarify an extremely difficult problem. At the last meeting on 13 May 1949, the U.S. Member announced that his Government was reconsidering its position on the whole problem of occupation costs. He asked

FEC-RESTRICTED

whether or not the Committee wanted to see a draft of the paper as it had been worked over by the Subcommittee. He personally thought that no good purpose would be served by a formal Subcommittee report. THE CHAIRMAN said that since the proposal had been submitted by the U.S., the U.S. was now reconsidering its position, and a draft from the Subcommittee might only mislead Governments.

17. THE U.K. MEMBER suggested that an informal report might be circulated.

18. THE INDIAN MEMBER agreed that it might be helpful to circulate the result of the Subcommittee's work informally. He pointed out that the Subcommittee had only been preparing a draft for clarification of the U.S. proposal and the result did not represent the opinion of any of the Members. THE CHAIRMAN said that if the Committee agreed, the Secretary might circulate informally to the Members of the Committee the last Subcommittee version of the paper together with a brief account of its history.

19. THE U.S. MEMBER said that to clarify the U.S. position, he would like to emphasize that the U.S. statement had been made only to inform Members of the possibility of a change in the U.S. position. The U.S. had not withdrawn its support of the paper.

20. THE CHINESE MEMBER said that, as a Member of the Subcommittee, he would like to emphasize the point made by the Indian Member that the Subcommittee draft did not represent the opinion of Members of the Subcommittee. He requested that this be made clear on any draft that was circulated. He also asked the U.S. Member if the review of the U.S. position was being undertaken in connection with the U.S. statement on reparations, FEC-340, or for other reasons. THE U.S. MEMBER replied that the U.S. review of its position on occupation costs was independent of its position on reparations. The paper which the Subcommittee had been considering had been submitted more than a year ago. In view of the long lapse of time since its submission, and many changes in events, the U.S. Government found it advisable to review its position. This opportunity was being taken to inform the Committee of that fact, not to announce any change in the U.S. position.

b. Chinese Query on Value of Secured Fund

21. THE CHINESE MEMBER said he would like to call attention to queries which had been made to the U.S. Member at previous meetings by the Philippine Member concerning reparations and by the Chinese Member concerning the status of the secured fund in paragraph 8 of FEC-011/51. In particular, he would like to have the information mentioned in the Chinese query at the 196th meeting on 4 May 1949.

22. THE U.S. MEMBER replied that he could only reaffirm the answer which he had made to the Chinese Member at that meeting, namely, that there were a number of claims still outstanding which had to be acted on. Until action on these claims was completed, it would be impossible to give an answer as to the value of the secured fund.

c. Submission of Further Policies on Reparations by the U.S.

23. THE CHAIRMAN noted that the recent statement by the U.S. Representative on the Far Eastern Commission, FEC-340, indicated the intention of the U.S. to submit certain policy proposals and amendments to existing policies in line with the position it had taken on reparations. He asked if the U.S. Member could say when these proposals would be submitted and whether one or several would be submitted.

FEC-RESTRICTED

24. THE U.S. MEMBER replied that more than one policy was referred to in the statement by the U.S. Representative which would require change. He did not expect the U.S. proposals would be ready by the next meeting of the Committee but he hoped that they would be submitted in the near future.

25. There was no other business.

26. Meeting adjourned at 11:30 a.m.

27. Time of next meeting: At the call of the Chairman.